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No. 35]

NEW DELHI, SATURDAY, AUGUST 31, 1985/BHADRA 9, 1907

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन हो रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गये सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than the
Ministry of Defence)

विधि और न्याय मंत्रालय

(विधि कार्य विभाग)

नई दिल्ली 12 अगस्त 1985

सूचनाएं

MINISTRY OF LAW & JUSTICE

(Department of Legal Affairs)

New Delhi, the 12th August, 1985

NOTICES

S.O. 4022.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Virendra Singh Badhwar, Advocate, 32-B, Menu Marg, Alwar-401001, for appointment as a Notary to practise in Alwar District.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(26)/85-fud]

नई दिल्ली, 13 अगस्त, 1985

का.प्रा.4022—नोटरीज नियम, 1956 के नियम 6 के अनुसंग म मकम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री वीरेंद्र सिंह बादनार एडवोकेट, 32-बी मनु मार्ग, अलवर-301001 ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अर्थात् एक आवेदन हम बात के लिए दिया है कि उसे अलवर (जिला) अध्यापक करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. उक्त व्यक्ति को नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपत्ति हम सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. एक.5(26)/85-न्या.]

का.प्रा.4022—नोटरीज नियम, 1956 के नियम 6 के अनुसंग म मकम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री गजकुमार खत्री, एडवोकेट, 118 महात्मा गांधी मार्ग, कलकत्ता-7 ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अर्थात् एक आवेदन हम बात के लिए दिया है कि उसे अलवर (जिला) अध्यापक करने के लिए नोटरी के रूप में नियुक्त किया जाए।

दिया जाता है कि उसे कलकत्ता और हावड़ा व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. एफ. 5(27)/85 न्या.]

New Delhi, the 13th August, 1985

S.O. 4023.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Rajkumar Khattri, Advocate, 118, Mahatma Gandhi Road, Calcutta-7, for appointment as a Notary to practise in Calcutta & Howrah.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(27)/85-Judl]

का.आ.4024-नोटरीज नियम 1956 के नियम 6 के अनुसरण में मक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री अमल कृष्णा दत्त, एडवोकेट एंड सॉलिसिटर, एम.एम. सॉलिक एंड पब्लिक सॉलिसिटर एंड एडवोकेट, 6 ओल्ड पोस्ट ऑफिस स्ट्रीट कलकत्ता-700029 ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया जाता है कि उसे पूरे भारतवर्ष में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. एफ. 5(23)/85-न्या.]

एम. एन. मक्षम प्राधिकारी

S.O. 4024.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Amal Krishna Dutt, Advocate & Solicitor C/o M/s. Mallick & Palit, Solicitors & Advocates, 6, Old Post Office Street, Calcutta-700029, for appointment as a Notary to practise in throughout India.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(23)/85-Judl.]

S. GOOPTU, Competent Authority

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 19 जुलाई, 1985

(आयकर)

का.आ.4025-सर्वेक्षण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि वित्त मंत्रालय (राजस्व और वीमा विभाग) की दिनांक 28-9-1972 की अधिसूचना संख्या 163 (फा० सं० 203/26/72-आ०क०नि०-II) द्वारा आयकर अधिनियम, 1961 की धारा 35(1)(ii) के अंतर्गत जेवियर लेबर रिलेशनज इंस्टिट्यूट जमशेदपुर के फुड मार्केटिंग सेंटर को प्रदान किये गये अनुमोदन की दिनांक 5-3-1985 से एतद्वारा वापस लिया जाता है।

[संख्या 6335/फा० सं० 203/129/85-आ०क०नि० II]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 19th July, 1985

INCOME-TAX

S.O. 4025.—It is hereby notified for general information that approval granted to Food Marketing Centre of the Xavier Labour Relations Institute, Jamshedpur under section 35(1)(ii) of the Income-tax Act, 1961 vide Ministry of Finance (Department of Revenue and Insurance) Notification No. 165 (F. No. 203/26/72-ITA. II) dated 28-8-1972, is hereby withdrawn with effect from 5-3-1985.

[No. 6335 F. No. 203/129/85-ITA. II]

का.आ.4026-सर्वेक्षण की सूचना के लिए एतद्वारा अधिसूचित किया जाता है कि वित्त मंत्रालय (राजस्व और वीमा विभाग) के दिनांक 12-1973 की अधिसूचना सं. 511 (फा० सं० 203/57/73-आ०क० नि०-II) द्वारा आयकर अधिनियम, 1961 की धारा 35(1)(ii) के अंतर्गत पुना मेडिकल फाउण्डेशन पुना को दिए गए अनुमोदन की एतद्वारा 31-3-1986 तक सीमित किया जाता है।

[संख्या 6336/फा० सं० 203/127/85-आ०क०नि०-II]

S.O. 4026.—It is hereby notified for general information that the approval granted to Poona Medical Foundation, Poona under section 35(1)(ii) of the Income-tax Act, 1961 vide Ministry of Finance (Department of Revenue and Insurance) Notification No. 511 (F. No. 203/57/73-ITA. II) dated 4-12-1973, is hereby restricted upto 31-3-1986.

[No. 6336 F. No. 203/127/85-ITA. II]

नई दिल्ली, 23 जुलाई, 1985

का.आ.4027-हम कार्यालय की दिनांक 21-11-1984 की अधिसूचना सं. 6047 (फा० सं० 203/16/84-आ०क० नि० II) के निमित्तले में, सर्वेक्षण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् विज्ञान और शैक्षणिकी विभाग नई दिल्ली ने निम्नलिखित "संस्था" का आयकर नियम, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 (पैराम/एक/बीन) की उपधारा (1) के खंड (iii) के प्रयोजनों के लिए "संस्था" पद के अधीन निम्नलिखित शर्तों पर अनुमोदन दिया है, अर्थात् ---

1. यह कि मद में सविम सोसायटी, पॉलिटेक्नीक वैज्ञानिक अनुसंधान के लिए इसके द्वारा राज्य राशियों का पृथक् लेखा रखेगी।
2. यह कि उक्त संस्थान अपने वैज्ञानिक अनुसंधान संबंधी विज्ञान कक्षाओं की वार्षिक विवरणों, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के समाप्त होने के 30 दिनों तक ऐसे प्रारूप में प्रस्तुत करेगी जो हम प्रयोजन के लिए अधिकतम किया जाए और उसे संचित किया जाए।
3. यह कि उक्त संस्थान अपनी कुल आय तथा व्यय दर्शाते हुए अपने संगोपित वार्षिक लेखों की तथा अपनी परिमर्शिता, देनदारियां दर्शाने हुए तुल्य-पत्र की एक-एक प्रति प्रति वर्ष 30 जनवरी विहित प्राधिकारी को प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति संबंधित आयकर आयुक्त को भेजेगा।
4. यह कि उक्त संस्थान अनुमोदन को समाप्त के 3 महीने पहले समाप्त बहाने के लिए केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग) नई दिल्ली को अववेदन करेगा। अनुमोदन की समाप्ति के बाद प्राप्त आवेदन-पत्र रद्द कर दिया जाएगा।

संस्था

"दि मद में सविम सोसायटी, पॉलिटेक्नीक"

यह अधिसूचना 1-4-1985 से 31-3-1987 तक की अवधि के लिए प्रभावी है।

[संख्या 6337/फा० सं० 203/79/85-आ०क०नि० II]

गिरिश दवे अवर सचिव

New Delhi, the 23rd July, 1985

S.O. 4027.—In continuation of this Office Notification No. 6047 (F. No. 203/46/84-ITA, II) dated 21-11-1984, it is hereby notified for general information that the "Institution" mentioned below has been approved by Department of Science & Technology, New Delhi, the Prescribed Authority for the purposes of clause (iii) of sub-section (1) of Section 35 (Thirty five/One/Three) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the category "Institution" subject to the following conditions :—

- (i) That the The Mother's Service Society, Pondicherry will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 30th April each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and balance sheet showing its assets liabilities with a copy of each of these documents to the concerned Commissioner of Income-tax.
- (iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

"The Mother's Service Society, Pondicherry".

This Notification is effective for period from 1-4-1985 to 31-3-1987.

[No. 6337/F. No. 203/79/85-ITA, II]

GIRISH DAVE, Under Secy.

नई दिल्ली, 13 अगस्त 1985

अदेश

प्रमाण

क्र.सं. 4028.—भारतीय स्टाम्प अधिनियम 1899 (1899 का 2) की धारा 9 की उपधारा (1) के परन्तुक (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रीय सरकार पत्रद्वारा मैं को बम्बई डायंग एवं मैनेफैक्चरिंग कंपनी लिमिटेड बम्बई का मात्र नौ लाख बहत्तर हजार पांच सौ रुपये और पचास पाँच पैसे का संयुक्त स्टाम्प शुल्क अधा करने की अनुमति देती है जो उक्त कंपनी द्वारा मात्र अठारह करोड़ तीस लाख और अठ्ठाई रुपये के कुल मूल्य के निम्नलिखित ऋण पत्रों के जारी करने के लिए स्टाम्प शुल्क के कारण प्रभार है :—

- (i) बार करोड़ रुपये के अंकित मूल्य वाले 15 % भारक्षित दिमोचय ऋण पत्र (बी श्रृंखला-1982) ;
- (ii) बार करोड़ अठ्ठाई रुपये के अंकित मूल्य वाले 13.5 % भारक्षित दिमोचय संयुक्त दिमोचय ऋण पत्र 14 डी श्रृंखला-1983 ;
- (iii) बार करोड़ रुपये के अंकित मूल्य वाले 15 % भारक्षित नि-मोचय संयुक्त दिमोचय ऋण पत्र (एन सी श्रृंखला 1983) ;
- (iv) एक करोड़ तीस लाख रुपये के अंकित मूल्य वाले 14 % निजी रूप में रखे गये ऋण पत्र (य टी सी श्रृंखला) ;
- (v) दो करोड़ रुपये के अंकित मूल्य वाले 15 % निजी रूप में रखे गये ऋण पत्र (एच डी सी श्रृंखला) ;

[फा. सं. 30/85-स्टाम्प (फा. सं. 33/31/85-बि.क.)]

भगवान दास, अवर, सचिव

New Delhi, the 13th August, 1985

ORDER

STAMPS

S.O. 4028.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. The Bombay Dyeing and Manufacturing Company Ltd., Bombay, to pay consolidated stamp duty of Thirteen lakhs, seventy-two thousand and five hundred rupees and seventy-five paise only, chargeable on account of stamp duty on the following Debentures, of the total value of eighteen crores, thirty lakhs and eighty rupees only to be issued by the said Company namely :—

- (i) 15 per cent Secured redeemable debentures (B. Series-1982) of the face value of four crores rupees;
- (ii) 13.5 per cent secured redeemable convertible debentures (4 D Series-1983) of the face value of Four crores and eighty rupees;
- (iii) 15 per cent secured redeemable non-convertible debentures (3N-3C Series 1983) of the face value of seven crores rupees;
- (iv) 14 per cent privately placed debenture (U T I Series) of the face value of one crore and thirty lakhs rupees;
- (v) 15 per cent privately placed debentures (A. G. I. Series) of the face value of two crores rupees.

[F. No. 30/85-Stamp-1, No. 33/31/85-ST]

BHAGWAN DAS, Under Secy.

(आधिकार्य विभाग)

नई दिल्ली, 12 जून, 1985

क्र.सं. 4029.—राष्ट्रपति, केंद्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अधीन) नियम, 1965 के नियम 34 के साथ पठित, नियम 9 के उपनियम (2), नियम 12 के उपनियम (2) के खण्ड (ख) और नियम 24 के उपनियम (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के वित्त मंत्रालय (आधिकार्य विभाग) के आदेश में का नि. आ. म. 627 तारीख 28 फरवरी, 1957 का निम्नलिखित और संशोधन करने है, अर्थात् :—

उक्त आदेश की अनुसूची में :—

(1) भाग 1 के शीर्षक में "वर्ग 2" पद के स्थान पर "समूह ख" पद रखा जाएगा।

(2) भाग 2 में :—

(क) शीर्षक में "वर्ग 3" पद के स्थान पर "समूह ग" पद रखा जाएगा,

(ख) "सेक्योरिटी पेपर मिल" शीर्षक और उसके अधीन प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियाँ रखी जाएगी, अर्थात्:-

(1)	(2)	(3)	(4)	(5)
"सेक्योरिटी पेपर मिल"				
उत्पादन, परिष्करण अथ्य और जनरल स्टोर में समूह "ग" के अन्तर्गत आने वाली 320-400 रु. और ऊपर की श्रेणियों में सभी वर्गीकृत समूह "ग" पद और अवर्गीकृत औद्योगिक पद (उनसे भिन्न जो नीचे विनिर्दिष्ट न उल्लिखित हैं)	कर्मशाला प्रबंधक	उप महाप्रबंधक कर्मशाला प्रबंधक	सभी (1) से (4)	महाप्रबंधक
यांत्रिक/बिद्युत/इलेक्ट्रॉनिक और उपकरण और इंजीनियरी स्टोर अनुभागों में समूह "ग" के अन्तर्गत आने वाली 320-400 रुपए और ऊपर की श्रेणियों में सभी वर्गीकृत समूह "ग" पद और अवर्गीकृत औद्योगिक पद	मुख्य इंजीनियर	उप महाप्रबंधक मुख्य इंजीनियर	सभी (1) से (1)	महाप्रबंधक
प्रयोगशाला में सभी वर्गीकृत समूह "ग" पद और प्रयोगशाला में समूह "ग" के अन्तर्गत आने वाली 320-400 रु. और ऊपर की श्रेणियों में सभी अवर्गीकृत औद्योगिक पद।	मुख्य रसायनज्ञ	उपमहाप्रबंधक मुख्य रसायनज्ञ	सभी (1) से (4)	महाप्रबंधक
सभी वर्गीकृत समूह "ग" पद, अर्थात् कार्यालय अधीक्षक, लेखापाल, वागत लेखापाल, मुख्य लिपिक, उप लेखापाल, रोकड़िया, सम्पदा अभिरक्षक, महाप्रबंधक का गोपनीय सचिव, ज्येष्ठ प्राशुलिपिक, स्टाफ नर्स, अग्निशमन अधीक्षक, केन्टीन पर्यवेक्षक-सह-लेखापाल, मुख्य समयपाल, समयपाल और प्राशुलिपिक।	प्रशासनिक और मुख्य लेखा अधिकारी	उप महाप्रबंधक प्रशासनिक और मुख्य लेखा अधिकारी	सभी (1) से (4) तक	महाप्रबंधक
उत्पादन अनुभाग में सभी अवर्गीकृत औद्योगिक पद, अर्थात् मशीन परिष्करण श्रेणी-3 और मशीन परिष्करण श्रेणी-4	कर्मशाला प्रबंधक	कर्मशाला प्रबंधक उपकर्मशाला प्रबंधक	सभी (1) से (4) तक	उप महाप्रबंधक
परिष्करण अथ्य के प्रसंस्करण और नियंत्रण अनुभागों में सभी अवर्गीकृत औद्योगिक पद अर्थात् रंगसाज श्रेणी-2, पेपर कर्मकार श्रेणी-1 और पेपर कर्मकार श्रेणी-2	कर्मशाला प्रबंधक	कर्मशाला प्रबंधक मुख्य नियंत्रण अधिकारी	सभी (1) से (1) तक	उप महाप्रबंधक
जनरल स्टोर अनुभाग में सभी अवर्गीकृत औद्योगिक पद, अर्थात् स्टोरमैन (अर्ध कुशल-3), स्टोरमैन (अर्ध कुशल-2), ड्राइवर (कुशल-3) और अति शक्ति-सह-एम्प्लॉय ड्राइवर।	कर्मशाला प्रबंधक	कर्मशाला प्रबंधक स्टोर अधिकारी	सभी	उप महाप्रबंधक
इंजीनियरी अनुरक्षण अनुभाग (मैकेनिक) में सभी अवर्गीकृत औद्योगिक पद, अर्थात् थर्बई (कुशल-2), रंगसाज (कुशल-2), लोहार (कुशल-2), अजीज और स्टोर जरीकर्ता (कुशल-2), सहायक वायलरमैन (कुशल-3), सहायक फिटर (कुशल-3), सहायक मीट मेटल फार्मकार-सह-पाइप फिटर (कुशल-3), राज (कुशल-3) खरीदी-सह-मैकेनिस्ट, (कुशल-3) बल्डर (कुशल-3) मेट से आर्टो मैकेनिक (अर्धकुशल-1), मेट से फिटर (अर्ध-कुशल-1), मुक्तदम (अर्ध कुशल-1) मेट से वायलरमैन (अर्ध-कुशल-3) मेट से थर्बई (अर्ध कुशल-2) मेट से लोहार (अर्ध-कुशल-2), मेट से फिटर (अर्ध कुशल-2)।	मुख्य इंजीनियर	मुख्य इंजीनियर उप मुख्य इंजीनियर (यांत्रिकी)	सभी (1) से (4) तक	उप महाप्रबंधक
बिद्युत, इलेक्ट्रॉनिक और उपकरण अनुभागों में सभी अवर्गीकृत औद्योगिक पद, अर्थात् बजला-मिस्त्री (अर्ध कुशल-3), मेट से बिजली मिस्त्री (अर्ध कुशल-2), मैकेनिक (ई एण्ड आई) (कुशल-3) और मेट से मैकेनिक (ई एण्ड आई) (अर्ध-कुशल-2)	मुख्य इंजीनियर	मुख्य इंजीनियर उप मुख्य इंजीनियर (यांत्रिकी)	सभी (1) से (4) तक	उप महाप्रबंधक
सभी वर्गीकृत समूह "ग" अर्थात् उच्च श्रेणी लिपिक, निम्न श्रेणी लिपिक, केन्टीन पर्यवेक्षक स्टाफ कार चालक, मुख्य फायरमैन, फायरमैन और रिकार्ड सार्जर।	प्रशासनिक और मुख्य लेखा अधिकारी	प्रशासनिक और मुख्य लेखा अधिकारी	सभी	उप महाप्रबंधक
जनिटर अनुभाग में सभी अवर्गीकृत औद्योगिक पद, अर्थात् जनिटर (अनिकुशल-2) सहायक जनिटर (कुशल-3) और स्टैंडर्ड (अर्धकुशल-1)	प्रशासनिक और मुख्य लेखा अधिकारी	प्रशासनिक और मुख्य लेखा अधिकारी	सभी	उप महाप्रबंधक
सभी वर्गीकृत समूह "ग" पद अर्थात् भेषज प्रयोगशाला तकनीकी, एक्स-रे तकनीकी, सहायक नर्स, ड्रेसर और दाया।	प्रशासनिक और मुख्य लेखा अधिकारी	प्रशासनिक और मुख्य लेखा अधिकारी	सभी (1) से (4) तक	उप महाप्रबंधक

1	2	3	4	5
क्वालिटी नियंत्रण प्रयोगशाला में सभी वर्गीकृत औद्योगिक पत्र, अर्थात् शिफ्ट टेस्टर श्रेणी-II (कुशल-III) और सेट में शिफ्ट टेस्टर (अर्ध कुशल-II)	मुख्य रसायनज्ञ	मुख्य रसायनज्ञ	सभी	उप-महाप्रबंधक
(III) भाग III में, —				
(क) शीर्षक में, "बर्ग", IV", पत्र के स्थान पर "समूह" पत्र रखा जाएगा ;				
(ख) "सेक्यूरिटी पेपर मिल, जूनागढ़" शीर्षक और उसके नीचे प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियाँ रखी जाएगी अर्थात् :—				
"सेक्यूरिटी पेपर मिल"				
परिष्करण अंत्य में पेपर बाय (अकुशल)	कर्मशाला प्रबंधक	कर्मशाला प्रबंधक मुख्य नियंत्रण अधिकारी	सभी (i) से (iv) क	उप-महाप्रबंधक
जनरल स्टोर में मजदूर (अकुशल)	कर्मशाला प्रबंधक	कर्मशाला प्रबंधक स्टोर अधिकारी	सभी (i) से (iv) तक	उप-महाप्रबंधक
इंजीनियरी (वास्तविक) अन्तर्भाग में मजदूर (अकुशल)	मुख्य इंजीनियर	मुख्य इंजीनियर उप-मुख्य इंजीनियर (वास्तविक)	सभी (i) से (iv) तक	उप-महाप्रबंधक
इंजीनियरी (विद्युत) अन्तर्भाग में मजदूर (अकुशल)	मुख्य इंजीनियर	मुख्य इंजीनियर उप-मुख्य इंजीनियर (विद्युत)	सभी (i) से (iv) तक	उप-महाप्रबंधक
इलेक्ट्रॉनिक और उपकरण अनुभाग में मजदूर (अकुशल)	मुख्य इंजीनियर	मुख्य इंजीनियर उप-मुख्य इंजीनियर (विद्युत)	सभी (i) से (iv) तक	उप-महाप्रबंधक
बपरोसी, माली, सुकाईवाला और कलर बाय	प्रशासनिक और मुख्य लेखा अधिकारी	प्रशासनिक और मुख्य लेखा अधिकारी	सभी	उप-महाप्रबंधक

टिप्पणी: भारत सरकार के वित्त मंत्रालय (आर्थिक कार्य विभाग) का. नि. आ. सं. 627 तारीख 23 फरवरी, 1957 का आदेश में निम्नलिखित द्वारा संशोधन किया गया : —

अधिसूचना संख्या	तारीख	का. नि. सं.	तारीख
(1) सं. एफ. 7(66)/सी. एन. सी./6	1-1-1962	—	—
(2) सं. एफ. 8(16)/75-सी. वाई.	28-5-77	—	—
(3) सं. एफ. 8(25)/81-सी. वाई.	5-8-82	1267	18-9-82
(4) सं. एफ. 4(36)/79-सी. एन. सी.	17-4-1980	1418	24-5-1980

[सं. एफ. 8(25)/81-सी. वाई. (एम. पी. एम.)]
सी. जी. पयराज, अवर सचिव

(Department of Economic Affairs)

New Delhi, the 12th June, 1985

S. O. 4079.—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (3) of rule 12 and sub-rule (1) of rule 24, read with rule 34, of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following further amendments in the order of Government of India in the Ministry of Finance (Department of Economic Affairs) No. S.R.O. 627, dated the 28th February, 1957, namely:—

In the Schedule to the said order,—

(i) in the heading to Part I, for the expression "Class II", the expression "Group B" shall be substituted;

(ii) in Part II,—

(a) in the heading, for the expression "Class III", the expression "Group C" shall be substituted;

(b) for the heading "Security Paper Mill" and the entries thereunder, the following entries shall be substituted, namely:-

1	2	3	4	5
"SECURITY PAPER MILL"				
All classified Group 'C' posts and unclassified industrial posts (other than those specifically mentioned below) in the grades of Rs. 320-400 and above falling within Group C, in Production, Finishing End and General Stores.	Works Manager	Deputy General Manager Works Manager	All (i) to (iv)	General Manager
All classified Group 'C' posts and unclassified Industrial posts in the grades of Rs. 320-400 and above falling within Group C, in the Mechanical/ Electrical/Electronics and Instrumentation and Engineering Stores Sections.	Chief Engineer	Deputy General Manager Chief Engineer	All (i) to (iv)	General Manager
All classified Group 'C' posts in the Laboratory and all unclassified industrial posts in the grades of Rs. 320-400 and above falling within Group C, in the Laboratory.	Chief Chemist	Deputy General Manager Chief Chemist	All (i) to (iv)	General Manager
All classified Group 'C' posts, viz.: Office Superintendent, Accountant, Cost Accountant, Head Clerk, Deputy Accountant, Cashier, Estate Custodian, Confidential Secretary to General Manager, Senior Stenographer, Staff Nurses, Fire Superintendent, Canteen Supervisor-cum-Accountant, Head Time Keeper, Time Keeper, and Stenographers.	Administrative and Chief Accounts Officer	Deputy General Manager Administrative and Chief Accounts Officer	All (i) to (iv)	General Manager
All unclassified industrial posts, viz., Machine Attendant Grade-III and Machine Attendant Grade-IV in the Production Section.	Works Manager	Works Manager Deputy Works Manager	All (i) to (iv)	Deputy General Manager
All unclassified industrial posts, viz.: Printer Grade-II, Paper Worker Grade-I and Paper Worker Grade-II in the Process and Control Sections of the Finishing End.	Works Manager	Works Manager Chief Control Officer	All (i) to (iv)	Deputy General Manager
All unclassified Industrial posts viz., Storeman (Highly Skilled-III), Stackman (Semi-skilled-II), Driver (Skilled-III) and Fire Fighting-cum-Ambulance Driver in the General Stores Section.	Works Manager	Works Manager Stores Officer	All (i) to (iv)	Deputy General Manager
All unclassified industrial posts, viz., Carpenter (Skilled-II), Painter (Skilled-II), Blacksmith (Skilled-II), Tools and Stores Issuer (Skilled-II), Assistant Boilerman (Skilled-III), Assistant Fitter (Skilled-III), Assistant Sheet Metal Worker-cum-Pipe Fitter (Skilled-III), Mason (Skilled-III), Turner-cum-Mechanist (Skilled-III), Welder (Skilled-III), Mate to Auto Mechanic (Semi-Skilled-II), Mate to Fitter (Semi-Skilled-I), Mukudam (Semi-Skilled-I), Mate to Boilerman (Semi-Skilled-II), Mate to Carpenter (Semi-Skilled-II), Mate to Blacksmith (Semi-Skilled-II), Mate to Fitter (Semi-Skilled-II), in the Engineering Maintenance Section (Mechanic).	Chief Engineer	Chief Engineer Deputy Chief Engineer (Mechanical)	All (i) to (iv)	Deputy General Manager
All unclassified industrial posts viz., Electrician (Semi-Skilled-III), Mate to Electrician (Semi-Skilled-II), Mechanic (E&I) (Semi-Skilled-II) and Mate to Mechanic (E&I) (Semi-Skilled-II) in the Electrical, Electronics and Instrumentation Sections.	Chief Engineer	Chief Engineer Deputy Chief Engineer (Electrical)	All (i) to (iv)	Deputy General Manager
All classified Group 'C' posts, viz., Upper Division Clerk, Lower Division Clerk, Canteen Supervisor, Staff Car Drivers, Leading Fireman, Fireman and Record Sorter.	Administrative and Chief Accounts Officer	Administrative and Chief Accounts Officer	All	Deputy General Manager

1	2	3	4	5
All unclassified industrial posts, Viz., Janitor (Highly Skilled-II) Assistant Janitor (Skilled-III) and Steward (Semi-Skilled-I) in the Janitor Section	Administrative and Chief Accounts Officer	Administrative and Chief Accounts Officer	All	Deputy General Manager
All classified Group 'C' posts, viz., Pharmacist, Laboratory Technician, X-ray Technician, Auxiliary Nurse, Dresser and Dai.	Administrative and Chief Accounts Officer	Administrative and Chief Accounts Officer	All (i) to (iv)	Deputy General Manager
All unclassified industrial posts, viz., Shift Tester Grade-II (Skilled-III) and Mate to Shift Tester (Semi-Skilled-II) in the Quality Control Laboratory.	Chief Chemist	Chief Chemist	All	Deputy General Manager

(iii) in Part III,---

(a) in the heading, for the expression "Class IV", in expression "Group D" shall be substituted

(b) For the heading "Security Paper Mill Hoshangabad" and the entries thereunder, the following entries shall be substituted, namely :--

SECURITY PAPER MILL

Paper Boy (Unskilled) in the Finishing End.	Works Manager	Works Manager	All (i) to (iv)	Deputy General Manager
Mazdoor (Unskilled) in the General Stores	Works Manager	Works Manager	All (i) to (iv)	Deputy General Manager
Mazdoor (Unskilled) in the Engineering (Mechanical) Section.	Chief Engineer	Chief Engineer	All (i) to (iv)	Deputy General Manager
Mazdoor (Unskilled) in the Engineering (Electrical) Section.	Chief Engineer	Chief Engineer	All (i) to (iv)	Deputy General Manager
Mazdoor (Unskilled) in the Electronics and Instrumentation Section.	Chief Engineer	Chief Engineer	All (i) to (iv)	Deputy General Manager
Peons, Malis, Safaiwala and Club Boy	Administrative and Chief Accounts Officer	Administrative and Chief Accounts Officer	All	Deputy General Manager

Note: Government of India in the Ministry of Finance (Department of Economic Affairs) No. S.R.O. 627, dated 28th February, 1957 was subsequently amended by

Notification No.	Date	S.O. No.	Date
(1) No. F. 7(66)/C&C/6	1-1-1962		
(2) No. F. 8(16)/75-Cy	28-5-1977		
(3) No. F. 8(25)/81-Cy	5-8-1982	3767	18-9-1982
(4) No. F. 4(36)/79-BNP	17-4-1980	1418	24-5-1980

[No. F. 8(25)/81-Cy (SPM)]

C.G. PATHROSE, Under Secy.

(वैकिंग प्रभाग)

(Banking Division)

नई दिल्ली, 14 अगस्त, 1985

New Delhi, the 14th August, 1985

कां.अ. 4030--वैकिंग, विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10ख की उपधारा 9 के उपबन्ध जहाँ तक उनका सम्बन्ध अध्यक्ष के कर्तव्यों का पालन करने के लिये बैंक द्वारा चार महीने से अधिक का अवधि के लिये किसी व्यक्ति को नियुक्त करने की सत्ता है, जम्मू और कश्मीर बैंक लिमिटेड, श्रीनगर पर 5 सितम्बर, 1985 तक लागू नहीं होंगे।

[सं. 15/4/85-बी.ओ.-III]

एम० के० एम० कुट्टी, अवर सचिव

S.O. 4030--In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on recommendation of the Reserve Bank of India, hereby declare that the provisions of sub-section (9) of section 10-B of the said Act shall not, to the extent they preclude the bank from appointing a person to carry out the duties of a chairman beyond a period exceeding four months, apply to the Jammu and Kashmir Bank Ltd., Srinagar upto the 5th September, 1985.

[No. 15/4/85-B.O. III]
M.K.M. KUTTY, Under Secy

वाणिज्य मंत्रालय

(रा. मुख्य नियंत्रक, आयात-निर्यात का वायलिय)

हैदराबाद 14 अगस्त, 1985

लाइसेंस रद्द करने का आदेश

का.आ. 4031 - (1) प्लास्टिक मोल्डेड वस्तुओं (2) पानी के लेबल मशीनों (3) म्थ्रम और सैरीकटर (4) हीटिंग येलमेंट्स और (5) कैपेसिटर्स के आयात के लिये सैम में अन्ध प्रदेश वाणिज्य मंत्रालय प्राइवेट लिमिटेड, 103 कला मंशन, सरोजिनी देवी रोड, सिकन्दराबाद को रु. 4,21,920/- सि आई एक मूल्य के आयात लाइसेंस संख्या पी/एस/1872832/सि/एसएस/92/वल्/84 दिनांक 6-7-84 अर्जित किया गया था। अब पार्टी ने उपर्युक्त लाइसेंस की संसाधक प्रयोजन की मूल प्रति गुम हो जाने के कारण दूसरी प्रति जारी करने का अनुरोध किया है। दूसरी प्रति जिसकी आवश्यकता है उसका मूल्य लाइसेंस का कुल मूल्य के बराबर यानी रु. 4,21,920/- (चार लाख इक्कीस हजार नौ सौ बीस रुपये केवल) होगा।

अपने दावे के समर्थन में आवेदनकर्ता ने मोहरयुक्त कागज पर लेख्य प्रमाणक द्वारा सत्यापित शपथ पत्र वापस किया है। पार्टी ने यह भी आश्वासन दिया है कि लाइसेंस की संसाधक प्रयोजन की मूल प्रति का पता लग जाने पर या भिल जाने पर उसे लाइसेंस जारी करने वाले अधिकारियों को दे जावेगा।

मुझे सन्निहित है कि लाइसेंस संख्या पी/एस/1872832 दिनांक 6-7-84 की संसाधक प्रयोजन की मूल प्रति गुम हो गई है और आवेदनकर्ता को संसाधक प्रयोजन की दूसरी प्रति जारी किये जाये। लाइसेंस संख्या पी/एस/1872832/सि/एसएस/92/वल्/84 दिनांक 6-7-84 की संसाधक प्रयोजन की मूल प्रति इसके द्वारा रद्द की जाती है।

[मिलि सख्या : आई टि सी/ए यू/एस एस
आई/186/ए एस-81/हैदराबाद/862]

आर. सेलवारज, उप मुख्य नियंत्रक, आयात-निर्यात

MINISTRY OF COMMERCE

(Office of the Dy. Chief Controller of Imports & Exports)

Hyderabad, the 14th August, 1985

LICENCE CANCELLATION ORDER

S.O. 4031.—M/s. Andhra Pradesh Washing Machine Pvt. Ltd. 103, Kala Mansion, Sarojini Devi Road, Secunderabad-500 003, were granted an import licence bearing No P/S/1872832/c/xx/92/w/84 dated 6-7-84 for a cif value of Rs. 4,21,920 for import of (1) Plastic Moulded item (2) Water level indicators, (3) Switches and Selectors (4) Heating Elements and (5) Capacitors. The party has applied for grant of Duplicate Customs purpose copy of the afore-said import licence on the ground that the original Customs Purpose copy of licence has been lost. The total amount for which the duplicate copy of the licence is required is for the full value of the licence i.e. Rs. 4,21,920 (Rupees Four Lakhs Twenty One Thousand Nine Hundred and Twenty only).

In support of their contention, the applicant has filed an affidavit on stamped paper duly attested by a Notary Public. The applicant has also undertaken to return the licensing authority concerned the original Customs Purpose copy of the licence if the same is traced or found later on.

I am satisfied that the original Customs Purpose copy of licence No. P/S/1872832 dated 6-7-84 has been lost and that duplicate Customs Copy of licence should be issued to the applicant. The original Customs purpose copy of licence No. P/S 1872832/c/xx/92/w/84 dated 6-7-84 is hereby cancelled.

R. SELVARAJ, Dy. Chief Controller of Imports & Exports

पेट्रोलियम मंत्रालय

नई दिल्ली, 11 अगस्त, 1985

का.आ. 4032.—यह पेट्रोलियम और खनिज पाइप लाइन (अ) में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) के धारा 3 के उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय के अधिसूचना का आ.स. 2326 तारीख 18-5-85 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूच में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जन करने का अपना आशय घोषित कर दिया था।

और अब अधिसूचना ने उक्त अधिनियम की धारा 6 के उपधारा (1) के अधीन सरकार को रिपोर्ट दे दे है।

और आगे यह केन्द्रीय सरकार से उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूच में विनिर्दिष्ट भूमियों में उपयोग के अधिकार अर्जन करने का विनिर्णय किया है।

अब अब उक्त अधिनियम के धारा 6 के उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करने हुए केन्द्रीय सरकार एतद्वारा घोषित करत है कि इस अधिसूचना से संलग्न अनुसूच में विनिर्दिष्ट उक्त भूमियों में उपयोग के अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जन किया जाता है।

और आगे उस धारा के उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार निदेश देत है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के वजह से भारतीय नैम प्राधिकरण लि. में सब बाधाओं से मुक्त रूप से घोषणा के प्रकाशन के इस तथीय में निहित होगा।

अनुसूच

विजयपुर (म.प्र.) से सबई मांझपुर (राज.) तक पाइप लाइन बिछाने के लिए

राज्य : राजस्थान जिला : कोटा तहसील : पीपल्हा

आत	खसरा नं.	हेक्टर	आर	सेन् - आर
रामपुरा	435	0	02	51
	434	0	51	33
	139	0	14	82
	140	0	05	57
	441	0	25	03
	442	0	00	37
	413	0	06	35
	146	0	42	35
	519	0	10	58
	521	0	55	29
	522	0	30	31
	563	0	34	93
	564	0	33	17
	565	0	03	08
	573	0	06	35
	580	0	04	29
	581	0	27	77
	582	0	32	01
	583	0	23	05
	584	0	00	23
	592/2	0	14	02
	592/1	0	06	62
	595	0	02	05
	592/4	0	14	94
	596	0	01	80

1	2	3	4	5
रामपुरा—जारी	602	0	05	56
	623	0	13	49
	624	0	43	13
	625	0	51	28
	626	0	10	11
	627	0	05	82
	687	0	15	78
	688	0	04	05
	689	0	04	15
	690	0	04	05
	691	0	19	74
	692	0	41	13
	693	0	66	68
	648	0	07	94
	707	0	33	34
	707/2	0	06	88
	436	0	16	20
	523/1	0	00	12

[सं. O-14016/342/85-अप]

MINISTRY OF PETROLEUM

New Delhi, the 21st August, 1985

S.O. 4032.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 2326 dated 18-5-85 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the land specified in the scheduled appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests from this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Pipeline from Vijaypura (M.P.) to Sawaimadhopur (Raj.)
State Rajasthan District : Kota Tehsil : Piplada

Village	Survey No.	Hec- tare	Are	Centiare
Rampura	435	0	02	51
	434	0	51	33
	439	0	14	82
	440	0	37	57
	441	0	25	03
	442	0	00	37

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1	2	3	4	5
	443	0	06	35
	446	0	42	35
	519	0	10	58
	551	0	55	29
	522	0	30	31
	563	0	34	93
	564	0	33	17
	565	0	03	08
	573	0	06	35
	580	0	04	23
	581	0	27	77
	582	0	32	01
	583	0	23	05
	584	0	00	23
	592/2	0	14	02
	592/1	0	06	62
	595	0	02	05
	592/3	0	14	94
	596	0	01	80
	602	0	05	56
	623	0	13	49
	624	0	43	13
	625	0	51	28
	626	0	10	11
	627	0	05	82
	687	0	15	78
	688	0	04	05
	689	0	04	15
	690	0	04	05
	691	0	19	74
	692	0	41	13
	693	0	66	68
	648	0	07	94
	707	0	33	34
	707/2	0	06	88
	436	0	16	20
	523/1	0	00	12

[No. O-14016/342/85—GP]

का. आ. 4032.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 के उपधारा (1) के अर्धेन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. आ. सं. 4549 तारीख 10-12-84 द्वारा केन्द्रीय सरकार ने इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अर्धेन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के परन्तु इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है।

और आगे उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हजिरा से बरैली से जगदीशपुर तक पाइप लाइन बिछाने के लिये
राज्य गुजरात जिला पंचमहल तालुका दाहोद

ग.व.	सर्वे नं.	हेक्टर	आर	सेन्टीअर
वरवाडा	129/1	9	09	40
	130/2	0	18	53
	134/1	0	22	88
	134/1	6	24	79
	118	0	26	78
	116	0	38	60
	119	0	00	80
	114	0	20	00
	120/1	0	18	85
	121	0	10	20
	113/1	0	19	30
	112/2	0	04	40
	112/3	0	10	00
	112/1	0	15	40
	112/4	0	18	80
	111	0	47	80
	102	0	94	00
	103	0	11	79

[सं. O-14016/451/84-जी.पी.]

S.O. 4033.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 4546 dated 10-12-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Limited free from encumbrances.

SCHEDULE

Pipeline from Hajira Bareilly Jagdishpur

State : Gujarat District : Panchmahal Taluka : Dahod

Village	Survey No.	Hec-tare	Are	Centiare
1	2	3	4	5
Varbada	129/1	0	09	40
	130/2	0	18	53
	134/2	0	22	88
	134/1	0	24	70

1	2	3	4	5
	118	0	26	78
	116	0	38	60
	119	0	00	80
	114	0	20	00
	120/1	0	18	85
	121	0	10	20
	113/1	0	19	30
	112/2	0	04	40
	112/3	0	10	00
	112/1	0	15	40
	112/4	0	18	80
	111	0	47	80
	102	0	94	00
	103	0	11	79

[No. O-14016/451/84-GP]

का. प्रा. 4034.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अधिनियम 1962 (1962 का 50) के धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. प्रा. सं. 4391 तारीख 15-12-84 द्वारा केन्द्रिय सरकार ने उस अधिसूचना से संलग्न अनुसूच में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारों ने उक्त अधिनियम का धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रिय सरकार ने उक्त रिपोर्ट पर विचार करते के पश्चात् इस अधिसूचना से संलग्न अनुसूच में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम का धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रिय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूचों में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने प्रयोजन के लिये एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रिय सरकार निर्वेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रिय सरकार में स्थित होने के बजाय भारतीय गैस प्राधिकरण लि. में सर्वोन्मादाओं से मुक्त रूप में घोषणा के प्रकाशन के इस तारीख को निरत होगा।

अनुसूची

हजिरा-बरैली—जगदीशपुर पाइप लाइन प्रोजेक्ट।

जिला	तहसील	परगना	ग्राम	गाटा संख्या	लिया रकबा	विवरण
1	2	3	4	5	6	7
दाहो	विंधुना	विंधुना	पूर्वावधो			
			रिया			
			बेला			
				1		0-50
				16		0-18
				17/1		0-47
				30		0-37
				14/2		0-33
				40/9		0-28
				33		0-05
						0-03

1	2	3	4	5	6	7
				36	0-29	
				4/1	0-36	
				19/3	0-39	
				32/1	0-23	
				32/3	0-37	
				35/4	0-32	
				35/2	0-45	
				35/7	0-29	
				40/8	0-20	
				35/6	0-14	
				4/3	0-07	
				16/1/1	0-15	
				29	0-07	
				18	0-02	

[सं. O- 14016/391/84- ज पं)]

S.O. 4034.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 4391 dated 15-12-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira-Bareilly-Jagdishpur Pipe Line Project.

Distt	Tehsil	Pargana	Village	Plot No.	Area Acquired	Re-mark
1	2	3	4	5	6	7
Etawa	Bidhuna	Bidhuna	Purva	1	0-50	
			Bhad-auria			
			Bala	16	0-18	
				17/1	0-47	
				30	0-37	
				14/2	0-33	
				40/9	0-28	
				33	0-05	
					0-03	
				36	0-29	
				4/1	0-36	

1	2	3	4	5	6	7
				19/3	0-39	
				32/2	0-23	
				32/3	0-37	
				35/4	0-32	
				35/2	0-45	
				35/7	0-29	
				40/8	0-20	
				35/6	0-14	
				4/3	0-07	
				16/1/1	0-15	
				29	0-07	
				18	0-02	

[No. O-14016/391/84-GP]

का. भा. 4035:—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) का धारा 3 का उपधारा (1) के अधिनियम भारत सरकार के पेट्रोलियम मंत्रालय का अधिसूचना का. भा. सं. 4508 तारख 22-12-84 द्वारा केन्द्रिय सरकार ने उस अधिसूचना से संलग्न अनुसूच में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम का धारा 6 को उप-धारा (1) के अधिनियम सरकार को रिपोर्ट दे बा है।

और आगे यतः केन्द्रिय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूच में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम का धारा 6 को उपधारा (1) द्वारा प्रवृत्त शक्ति का प्रयोग करते हुए केन्द्रिय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूच में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रिय सरकार निर्देश देना है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रिय सरकार में निहित होने के बजाय भारत गैस प्राधिकरण लि. में सभा बाधाओं से मुक्त रूप में घोषणा के प्रकाशन का इस तारख को निहित होगा।

अनुसूची

हाजिरा-बरेल्ल-जगदशपुर पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	घाटा सं.	लिया गया रकबा	विवरण
1	2	3	4	5	6	7
इटावा	बिधुना	बिधुना	अलोपुर	97	0-36	
				338	0-69	
				404	0-16	
				344	0-04	
				345	0-65	
				351	0-47	
				352	0-04	
				353	0-73	
				354	0-03	
				364/7	0-38	
				417	0-32	
				99	0-05	
				418	0-45	
				364/9	0-10	

1	2	3	4	5	6	7	1	2	3	4	5	6	7
			100		0-15					100		0-15	
			98		0-06					98		0-06	
			340		0-03					340		0-03	
			349		0-02					349		0-02	
			361		0-03					361		0-03	
			339		0-03					339		0-03	
			348		0-02					348		0-02	
			362		0-03					362		0-03	
			422		0-03					422		0-03	
			370		0-67					370		0-67	
			467 2		0-36					406/2		0-36	
			104		0-09					104		0-09	
			407/4		0-39					407/4		0-39	

[No. O-14016/398/84-GP]

[सं. O- 14016/398/84- ज प]

S.O. 4035.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 4508 dated 22-12-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira-Barcilly—Jagdishpur Pipe Line Project.

Distt	Tehsil	Pargana	Village	Plot No.	Area Acquired	Re-mark
1	2	3	4	5	6	7
Etawa	Bidhuna	Bidhuna	Alipur	97	0-36	
				338	0-69	
				404	0-16	
				344	0-04	
				345	0-65	
				351	0-47	
				352	0-04	
				353	0-73	
				354	0-03	
				364/7	0-38	
				417	0-32	
				99	0-05	
				418	0-45	
				364/9	0-10	

का. आ. 4036:—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) के धारा 3 के उपधारा (1) के अर्जन भारत सरकार के पेट्रोलियम मंत्रालय के अधिसूचना का. आ. सं. 4531 तारिख 22-12-84 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूच में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकार ने उक्त अधिनियम के धारा 6 के उपधारा (1) के अधिनियम सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्र सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूच में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम के धारा 6 के उपधारा (1) द्वारा प्रबल शक्ति का प्रयोग करते हुए केन्द्र सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूच में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है।

और आगे उस धारा के उपधारा (1) द्वारा प्रबल शक्तियों का प्रयोग करते हुए केन्द्र सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्र सरकार में निहित होवे का बजाय भारत गैस प्राधिकरण लि. में मग्न बाधाओं से मुक्त रूप में घोषणा के प्रकाशन के इस तारिख को निहित होना।

अनुसूच।

हाजिरा-बरैल्ल-जगदपुर पाइप लाइन प्रोजेक्ट

जिला	तहसिल	परगना	ग्राम	गाटा सं.	नियत गया रकबा	विवरण
1	2	3	4	5	6	7
इटावा	बिधुना	बिधुना	मिलक-	पुरसहार	112	0-02
					111	0-52
					413	0-05
					373	0-03
					374	1-40
					376	0-36
					371	0-03
					370	0-01
					377	0-18
					381	0-07
					391	0-11
					390	0-03

1	3	3	4	5	6	7
				389	0-02	
				387	0-13	
				388	0-05	
				406	0-48	
				385	0-05	
				386	0-05	
				409	0-28	
				410	1-04	
				420	0-02	
				415	0-20	
				419	0-66	
				418	1-10	
				384	0-01	
				369	1-00	
				398	0-04	

[सं. O-14016/400/84-अ प]

S.O. 4036.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 4531 dated 22-12-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira-Bareilly-Jagdishpur Pipe Line Project

Distt.	Tehsil	Pargana	Village	Plot No.	Area Acquired	Remark
1	2	3	4	5	6	7
Etawa	Bidhuna	Bidhuna	Tiluck	112	0-02	
			pur	111	0-52	
			Sehar	413	0-05	
				373	0-03	
				374	1-40	
				376	0-36	
				371	0-03	
				370	0-01	
				377	0-18	
				381	0-07	
				391	0-11	

1	2	3	4	5	6	7
				390	0-03	
				389	0-02	
				387	0-13	
				388	0-05	
				406	0-48	
				385	0-05	
				386	0-04	
				409	0-28	
				410	1-04	
				420	0-02	
				415	0-20	
				419	0-66	
				418	1-10	
				384	0-01	
				369	1-00	
				398	0-04	

[No. O-14016/400/84—GP]

का. ४१. 4027.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अधिनियम 1962 (1962 का 50) क. धारा 3 क उपधारा (1) के अधिन भारत सरकार के पेट्रोलियम मंत्रालय का अधिसूचना का. अ. सं. 4500 तारख 22-12-84 द्वारा केन्द्र सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिये अर्जित करने का अपना प्राश्य घोषित कर दिया था ।

और यतः सक्षम प्राधिकारों ने उक्त अधिनियम की धारा 6 का उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है ।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ।

अब, अतः उक्त अधिनियम की धारा 6 क उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्र सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है ।

और आगे उस धारा क उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्र सरकार में निहित होने के बजाय भारत गैस प्राधिकरण लि. में सब बाधाओं से मुक्त रूप से प्रयोग के प्रकाशन क इस तारख को निहित होगा ।

अनुसूची

हाजिरा-बरेली-जगदीशपुर पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गाटा सं.	लिया गया रकबा	विवरण
1	2	3	4	5	6	7
इटावा	बिधूना	बिधूना	नबारा	52	0-21	
			दाँद	53	0-06	
				51	0-01	
				49/4	0-01	
				50/1	0-30	
				50/2	0-15	
				50/3	0-24	
				48/2	0-12	
				44/1	0-30	
				44/2	0-04	
				44/3	0-02	
				41/1	0-01	

1	2	3	4	5	6	7
				41/2	0-03	
				40	0-30	
				43/1	0-30	
				43/2	0-06	
				81/1	0-01	
				39	0-36	
				38/2	0-13	
				85/1	0-01	
				83	0-16	
				393	0-09	
				421/1	0-12	
				422/1	0-05	
				422/2	0-25	
				426/2	0-93	
				452/2	0-18	
				430	0-25	
				512	0-02	
				509	0-04	
				511/2	0-45	
				511/3	0-03	
				506/2	0-03	
				504/1	0-28	
				504/2	0-23	
				505	0-02	
				533	0-24	
				497	0-20	
				545	0-12	
				546	0-16	
				547	0-16	
				496	0-03	
				548	0-08	
				549	0-22	
				470	0-01	
				468	0-09	
				467	0-09	
				563	0-02	
				564	0-02	
				469	0-01	
				466	0-10	
				465	0-08	
				565	0-19	
				566	0-21	
				464	0-01	
				568/1	0-22	
				568/2	0-02	
				568/3	0-03	
				568/4	0-05	
				569	0-40	
				571	0-06	
				584	0-01	
				570/1	0-30	
				462/3	0-20	
				186	0-04	
				432/1	0-18	
				426/3	0-09	

S.O. 4037.—Whereas by notification of the Government of India in the Ministry of Petroleum, S.O. 4500 dated 22-12-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira—Barcilly—Jagdishpur Pipeline Project

Distt.	Tehsil	Pargana	Village	Plot No.	Area Acquired	Re-mark
1	2	3	4	5	6	7
Etawa	Bidhuna	Bidhuna	Newada	52	0-21	
			Dandu	53	0-06	
				51	0-01	
				49/4	0-01	
				50/1	0-30	
				50/2	0-15	
				50/3	0-24	
				48/2	0-12	
				44/1	0-30	
				44/2	0-04	
				44/3	0-02	
				41/1	0-01	
				41/2	0-03	
				40	0-30	
				43/1	0-30	
				43/2	0-06	
				81/1	0-01	
				39	0-36	
				38/2	0-13	
				85/1	0-01	
				83	0-16	
				393	0-09	
				421/1	0-12	
				422/1	0-05	
				422/2	0-25	
				426/2	0-93	
				425/2	0-18	
				430	0-25	
				512	0-02	
				509	0-04	
				511/2	0-45	
				511/3	0-03	
				506/2	0-03	
				504/1	0-28	

1	2	3	4	5	6	7
		504/2	0-23			
		505	0-02			
		533	0-24			
		497	0-20			
		545	0-12			
		546	0-16			
		547	0-16			
		496	0-03			
		548	0-08			
		549	0-22			
		470	0-01			
		468	0-09			
		467	0-09			
		563	0-02			
		564	0-02			
		469	0-01			
		466	0-10			
		465	0-08			
		565	0-19			
		566	0-21			
		464	0-01			
		568/1	0-22			
		568/2	0-02			
		568/3	0-03			
		568/4	0-05			
		569	0-40			
		571	0-06			
		584	0-01			
		570/1	0-30			
		462/3	0-20			
		186	0-04			
		432/1	0-18			
		426/3	0-09			

[No. O-14016/389/84-GP]

का. अ. 4038:—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. अ. स. 564 तारीख 23-1-85 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिये अर्जित करने का अपना प्राश्य घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन सरकार की रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है।

और आगे उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की स तारीख को निहित होगा।

अनुसूची						
हाजिरा-बरेली-जगदीशपुर गैस पाइप लाइन प्रोजेक्ट						
जिला	तहसील	परगना	गांव	गाटा स.	क्षेत्रफल एकड़ में	विवरण
1	2	3	4	5	6	7
फर्रुखाबाद	डिब्रारा	तालधाम	तिसौली			
बाद	मऊ			108	0-15	
				102	0-09	
				233	0-26	
				389	0-35	
				343	0-35	
				156	0-26	
				239	0-43	
				चकराई	0-01	
				107	0-05	
				132	0-38	
				181	0-40	
				175	0-22	
				रास्ता	0-03	
				290	0-12	
				चकराई	0-07	
				72	0-07	
				229	0-11	
				231	0-75	
				नाली	0-03	
				199	0-80	
				171	0-37	
				578/2	0-10	
				579/4	0-51	
				578/5	0-08	
				578/6	0-05	
				611	0-09	
				526/3	0-71	
				578/3	0-42	
				360	0-03	

[स. O-14016/11/85-जी. पी.]

S.O. 4038.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 564 dated 23-1-85 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication

of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE
H.B.J. Gas Pipeline Project

Distt	Tehsil	Pargana	Village	Plot No.	Area in acres	Re-mark
1	2	3	4	5	6	7
Farru-khabad	Chhibra, Tal-Mau	Tisauli gram		108	0-15	
				102	0-09	
				233	0-26	
				389	0-35	
				343	0-35	
				156	0-26	
				239	0-43	
				चकरीह	0-01	
				107	0-05	
				132	0-38	
				181	0-40	
				175	0-22	
				रास्ता	0-03	
				290	0-12	
				चकरीह	0-07	
				72	0-07	
				229	0-11	
				231	0-75	
				नाली	0-03	
				199	0-80	
				171	0-37	
				578/2	0-10	
				579/4	0-51	
				578/5	0-08	
				578/6	0-05	
				611	0-09	
				526/3	0-71	
				578/2	0-42	
				360	0-03	

[No. O-14016/11/85—GP]

का आ 4039 --यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्ज अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. आ. सं. 4674 तारीख 14-12-84 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः संश्लेष प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे अतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में

उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हाजिरा-बरेली-जगदीशपुर गैस पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	गाटा संख्या	अर्जित रकबा एकड़ में	बिबरण
1	2	3	4	5	6	7
फर्रुखाबाद	छिवरा-मऊ	सकतपुर बरौली		145	0-03	
				146	0-23	
				147	0-18	
				212	0-67	
				213	0-03	
				208	0-18	
				254	0-35	
				253	0-26	
				209	0-24	
				210	0-30	
				257	0-41	
				248/1	0-22	
				246	0-09	
				260	0-20	
				261	0-45	
				271	0-27	
				272	0-17	
				273	0-21	
				803	0-21	
				801	0-03	
				818	0-35	
				811	0-30	
				812	0-45	
				809	0-02	
				786	0-20	
				1452	0-45	
				1398/3	0-15	
				810	0-26	
				820	0-38	
				790	0-34	
				1378/2	0-22	
				1453/5	0-20	
				1453/6	0-20	
				217	0-10	
				893/25	0-10	
				1379/1/3	0-17	
				842	0-07	
				1197	0-18	
				1198	0-20	
				1199	0-25	
				1200	0-11	
				789	0-14	
				800	0-07	
				1397	0-17	

[स. O-14016/490/84-जी पी]

S.O. 4039.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 4674 dated 14-12-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira—Bareilly—Jagdishpur Gas Pipeline Project

District	Tehsil	Pargana	Village	Plot No.	Area in acres.	Remark
1	2	3	4	5	6	7
Farrukhabad	Chhibra Mau	Sakat Pur	Barauli	145	0-03	
				146	0-23	
				147	0-18	
				212	0-67	
				213	0-03	
				208	0-18	
				254	0-35	
				253	0-26	
				209	0-24	
				210	0-30	
				257	0-42	
				248/1	0-22	
				246	0-09	
				260	0-20	
				261	0-45	
				271	0-27	
				272	0-17	
				273	0-21	
				803	0-21	
				801	0-03	
				818	0-35	
				811	0-30	
				812	0-45	
				809	0-02	
				786	0-20	
				1452	0-45	
				1398/3	0-15	
				810	0-26	
				820	0-38	
				790	0-34	
				1378/2	0-22	
				1453/5	0-20	
				1453/6	0-20	
				217	0-10	
				893/25	1-10	

1	2	3	4	5	6	7
				1379/1/3	0-17	
				842	0-07	
				1197	0-18	
				1198	0-20	
				1199	0-25	
				1200	0-14	
				789	0-14	
				800	0-07	
				1397	0-17	

[No. O-14016/490/84—GP]

का. आ. 4040—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. आ. सं. 1761 ता. द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः महाम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करते के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं में मुक्त रूप में घोषणा के प्रकाशन की इस शर्त को निश्चित होगा।

अनुसूची

हजिरा बरेली जगदीशपुर गैस पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	गांव	गाटा संख्या	लिया गया रकबा	विवरण
1	2	3	4	5	6	7
फर्रुख-आद	छिब्रा-मऊ	सकतपुर	बरोली	785	0-15	
				822	0-45	
				821	0-15	
				799	0-11	
				202	0-15	
				211	0-05	
				207	0-02	
				817	0-02	
				1374	0-07	
				1398/1	2-85	
				1453/1	0-68	
				1378/1	0-34	
				247	0-09	
				568	0-22	

1	2	3	4	5	6	7
				802	0-45	
				784	0-03	
				838	0-78	

[सं. O-14016/247/85-जी पी]

S.O. 4040.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 1761 dated under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

H.B.J. Gas PipeLine Project

District	Tehsil	Pargana	Village	Plot No.	Area in acres	Re-mark
1	2	3	4	5	6	7
Farrkha	Chhibra	Sakat	Barauli	785	0-45	
bad	Mau	pur		822	0-45	
				821	0-15	
				799	0-11	
				202	0-15	
				211	0-05	
				207	0-02	
				817	0-02	
				1374	0-07	
				1398/1	2-85	
				1453/1	0-68	
				1378/1	0-34	
				247	0-09	
				568	0-22	
				802	0-45	
				784	0-03	
				838	0-78	

[No. O-14016/247/85- GP]

का. आ. 4041.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. आ. सं. तारीख 561/23-1-85 द्वारा केन्द्रीय सरकार ने उक्त अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों

के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यह कि केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार से निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हजिरा बरेली जगदीशपुर पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	गाँव	शॉट्सकेन्स	विस्तार रकबा एकड़ में	विवरण
1	2	3	4	5	6	7
कुरुख	छिबरा	सकत	लाख	131	0-42	
बाद	मऊ			130	0-37	
				135	0-03	
				137	0-39	
				145	0-03	
				144	0-23	
				143	0-30	
				154/1	0-22	
				154/2	0-15	
				154/3	0-15	
				154/4	0-37	
				154/5	0-07	
				161	0-06	
				164	0-21	
				166	0-10	
				174	0-15	
				173	0-06	
				166	0-09	
				174	0-08	
				173	0-06	
				172	0-01	
				167	0-11	
				168	0-07	
				176	0-21	
				190	0-15	
				2639	0-08	
				2610	0-07	
				181	0-16	
				184	0-08	

1	2	3	4	5	6	7	1	2	3	4	5	6	7
				185	0-03						2557	0-03	
				180	0-05						2570	0-15	
				191	0-13						2561	0-56	
				192	0-15						2562	0-48	
				193/1	0-21						2563	0-09	
				194	0-03						2482	0-24	
				217	0-36						2307	0-28	
				208	0-12						2303	0-10	
				2401/1	0-04						2313	0-35	
				215	0-03						2312	0-21	
				212	0-24						2408	0-37	
				2493	0-33						2316	0-08	
				2492	0-25						2317	0-37	
				2497	0-15						2318	0-13	
				2496	0-07						2319/3	0-02	
				2489	0-43						2319/1	0-01	
				2635	0-48						2319/2	0-02	
				2482	0-15						2321	0-04	
				2478/1/1	0-13						2475	0-07	
				2652	0-22						2476	0-12	
				2643	0-06						2474	0-29	
				2650	0-39						2425	0-02	
				2651	0-28						2423	0-19	
				2641	0-31						2424	0-24	
				2642	0-26						2410	0-03	
				2630	0-10						2414	0-03	
				2631	0-10						2415/1	0-28	
				2629	0-18						2416/2	0-05	
				2623	0-65						2417	0-25	
				2622	0-41						2418	0-02	
				2619	0-03						2409	0-21	
				2620	0-12						2420	0-36	
				2593	0-07						2404	0-48	
				2594	0-10						2405	0-24	
				2595	0-70						2406	0-15	
				2604	0-05						148	0-02	
				2613	0-03						101/2/2	0-01	
				2612/1	0-05						2618/2	0-02	
				2600	0-02								
				2602	0-07								
				2601	0-40								
				2602	0-07								
				2603	0-21								
				2580	0-25								
				2579	0-27								
				4543									
					0-25								
				2577									
				4544									
					0-09								
				2577									
				2577	0-27								
				2574	0-15								
				2575	0-75								
				2571	0-62								

[सं. O-14016/8/85-जी.पी.]

S.O. 4041.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 561 dated 23-1-85 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

H.B.J. Gas Pipe Line Project

District	Tehsil	Pargana	Village	Plot No.	Area in acres	Re-mark
1	2	3	4	5	6	7
Parru-khabad	Chhibra, Mau	Sauri kh	Lakh	131	0-42	
				130	0-37	
				135	0-03	
				137	0-39	
				145	0-03	
				144	0-23	
				143	0-30	
				154/1	0-22	
				154/2	0-15	
				154/3	0-15	
				154/4	0-37	
				154/5	0-07	
				161	0-06	
				164	0-21	
				166	0-10	
				174	0-15	
				174	0-06	
				166	0-09	
				174	0-08	
				173	0-06	
				172	0-01	
				167	0-11	
				168	0-07	
				176	0-21	
				190	0-15	
				2639	0-08	
				2640	0-07	
				181	0-16	
				184	0-08	
				185	0-03	
				180	0-05	
				191	0-13	
				192	0-15	
				193/1	0-21	
				194	0-02	
				217	0-36	
				208	0-12	
				2401/1	0-04	
				215	0-03	
				212	0-24	
				2493	0-33	
				2492	0-25	
				2497	0-15	
				2496	0-07	
				2489	0-43	
				2635	0-48	
				2482	0-15	
				2478/1/1	0-13	
				2652	0-22	
				2643	0-06	
				2650	0-39	
				2651	0-28	

1	2	3	4	5	6	7
				2641	0-31	
				2642	0-26	
				2630	0-10	
				2631	0-10	
				2629	0-18	
				2623	0-65	
				2622	0-41	
				2619	0-03	
				2620	0-12	
				2593	0-07	
				2594	0-10	
				2595	0-70	
				2604	0-05	
				2613	0-03	
				2612/1	0-05	
				2600	0-02	
				2602	0-07	
				2601	0-40	
				2602	0-07	
				2603	0-21	
				2580	0-25	
				2579	0-27	
				4543	0-26	
				2577		
				4544		
				2577	0-09	
				2577	0-27	
				2574	0-15	
				2575	0-75	
				2571	0-62	
				2557	0-03	
				2570	0-15	
				2561	0-56	
				2562	0-48	
				2563	0-09	
				2482	0-24	
				2302	0-28	
				2303	0-10	
				2313	0-35	
				2312	0-21	
				2408	0-37	
				2316	0-08	
				2317	0-37	
				2318	0-13	
				2319/3	0-02	
				2319/1	0-01	
				2319/2	0-02	
				2321	0-14	
				2475	0-07	
				2476	0-12	
				2474	0-29	
				2425	0-02	
				2423	0-19	
				2424	0-24	
				2410	0-03	
				2414	0-03	
				2415/1	0-28	
				2416/3	0-05	
				2417	0-25	
				2418	0-02	
				2409	0-21	
				2420	0-36	
				2404	0-48	

1	2	3	4	5	6	7	1	2	3	4	5	6	7
				2405	0-24						376	0-20	
				2406	0-15						377	0-02	
				148	0-02						378	0-63	
				101/2/2	0-01						380	0-15	
				2618/2	0-02						386	0-33	

[No. O-14016/85-GP]

का. आ. 4042-यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. आ. सं. 562 तारीख 23-1-85 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सशम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उस भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हाजिरा बरेली जगदीनपुर पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	गांव	गांवा संख्या	लिया गया रकबा एकड़ में	विवरण
1	2	3	4	5	6	7
फर्रुखाबाद	छिबरा-	मौरिख	किसान-	311	0-07	
	बाद	मऊ	पुर	326	0-54	
			वसन्त	327	0-49	
				328	0-06	
				337	0-01	
				338	0-45	
				339	0-02	
				340	0-16	
				385	0-13	
				341	0-02	
				342	0-05	
				343	0-06	
				344	0-22	
				345	0-18	
				346	0-01	

[मं. O-14016/9/85-जी. पी.]

S.O. 4042.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 562 dated 23-1-85 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land, Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

H.B.J. Gas Pipe Line Project

District Tahasil, Pargana Village	Plot No.	Area in acres	Re-marks
Farru- Chhibra, Saurikh Kisan-	311	0-07	
khahad Mau	326	0-54	
	Basant	327	0-49
		328	0-06

1	2	3	4	5	6	7	अनुसूची
							हाजिरा बरेली जगदीशपुर लाइन पाइप लाइन प्रोजेक्ट
							जिला तहसील परगना गांव गाटा संख्या लिया गया विवरण
							रकबा एकड़ में
							1 2 3 4 5 6 7
							फर्रुखा- छिबरा- ताल राजला- 644 0- 27
							बाव मऊ ग्राम मऊ 488 0- 51
							619 0- 07
							388 0- 40
							115 0- 88
							470 0- 03
							313 0- 54
							489 0- 75
							286 0- 10
							705 0- 03
							708 0- 09
							707 0- 30
							580 0- 51
							183 0- 93
							374अ 0- 32
							531 0- 16
							231 0- 36
							219 0- 03
							712 0- 23
							575 0- 16
							221 } 0- 20
							228/1 }
							228/2 }
							494 0- 08
							626 0- 40
							319 0- 01
							502 0- 34
							621 0- 39
							663 0- 02
							259 0- 33
							77 0- 19
							70 0- 01
							242 0- 04
							85 0- 17
							84 0- 10
							279 0- 15
							13 0- 18
							679 0- 02
							621 0- 86
							590 0- 03
							459 0- 10
							353 0- 10
							282 0- 10
							195 0- 08
							486 0- 13
							431 0- 16
							430 0- 12
							448 0- 03

[No. O-140]6/9/85- GP]

का. आ. 4043:-यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. आ. सं. 563 तारीख 23-1-85 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः मक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय रैम प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस सार्वजनिक निहित होगी।

1	2	3	4	5	6	7	1	2	3	4	5	6	7
				426	0-08						663	0-02	
				299	0-08						259	0-33	
				859	0-24						77	0-19	
[सं. O-14016/10/85-जी. पी.]											78	0-01	
											247	0-04	
											25	0-17	
											84	0-10	
											279	0-15	
											13	0-18	
											679	0-02	
											624	0-36	
											590	0-03	
											459	0-10	
											353	0-10	
											252	0-10	
											195	0-08	
											486	0-13	
											431	0-16	
											430	0-12	
											448	0-03	
											426	0-08	
											299	0-08	
											859	0-24	

S.O. 4043.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 563 dated 23-1-85 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land, Act, 1962 (50 of 1962)), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hazira Bareilly Jagdishpur Pipe Line Project

Dist	Tehsil	Pargana	Village	Plot No.	Area in Acquired mark in acres	Re-
1	2	3	4	5	6	7
Farru-	Chhibra	Tolgram	Rajla	644	0-27	
khabad	Mou		Mau	488	0-51	
				619	0-07	
				388	0-40	
				115	0-88	
				470	0-03	
				313	0-54	
				489	0-75	
				286	0-10	
				705	0-03	
				708	0-09	
				707	0-30	
				580	0-51	
				183	0-93	
				374	0-32	
				531	0-16	
				231	0-36	
				219	0-03	
				712	0-23	
				575	0-16	
				221	0-20	
				228/1		
				228/2		
				484	0-08	
				626	0-40	
				319	0-01	
				502	0-34	
				621	0-39	

[No. O-14016/10/85- GP]

का. आ. 4044 —यत् पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का. आ. सं 3717 तारीख 25-8-84 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार का पाइप लाइनों को बिछाने के लिए अर्जन करने का अपना आग्रह घोषित कर दिया था।

और यत् सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आग्र यत् केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जन करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जन किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप से घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हाजिरा-बरेली-जगदीशपुर पाइप लाइन प्रोजेक्ट

जिला	तहसील	पगना	ग्राम	विस्था राश	विवरण
			का नाम	रकबा	
1	2	3	4	5	6
राय-	मठ-	इन्होना	राजा-	समी.	0-5-10
बरेली	राजगंज		पुर		
				9मी.	0-12-10
				10मी.	0-8-5
				11मी.	0-0-18

1	2	3	4	5	6	7
				12 मी.	0-6-3	
				13 मी.	0-8-5	
				14 मी.	0-0-15	
				18 मी.	0-4-0	
				19 मी.	0-2-15	
				20 मी.	0-5-0	
				21 मी.	0-15-0	
				22 मी.	0-0-2	
				48 मी.	0-14-0	

[सं. O-12016/95/84-ओ एन जी-डी 4]

S.O. 4044.—Whereas by notification of the Government of India in the Ministry of Energy (Department of Petroleum) S.O. 2717 dated 25-8-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land, Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira—Bareilly—Jagdishpur Pipe Line Project

Distt.	Tehsil	Pargana	Village	Plot No.	Area Acquired	Re-mark
1	2	3	4	5	6	7
Rae-Bareilly	Maharaj Ganj	Inhauna Rajapur	8 Mc.	0-5-10		
			9 Mc.	0-12-10		
			10 Mc.	0-8-5		
			11 Mc.	0-0-18		
			12 Mc.	0-6-3		
			13 Mc.	0-8-5		
			14 Mc.	0-0-15		
			18 Mc.	0-4-0		
			19 Mc.	0-2-15		
			20 Mc.	0-5-0		
			21 Mc.	0-15-0		
			22 Mc.	0-0-2		
			48 Mc.	0-14-0		

[No. O-12016/95/84—ONG—D4]

की अधिसूचना का, आ. सं. तारीख 25-8-84 द्वारा केन्द्रीय सरकार ने उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यत् गक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यत् केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निम्न देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हाजिरा बरेली जगदीशपुर पाइप लाइन प्रोजेक्ट।

जिला	तहसील	परगना	ग्राम का नाम	लिय गया रकबा	विवरण
1	2	3	4	5	6
राय-बरेली	मह-राजगंज	बछ-रावा	जलाम-पूर	680	0-0-9
				681	0-15-0
				686	0-2-2
				694	0-13-0
				696	0-0-15
				695	0-0-10
				700	0-5-10
				708	0-1-0
				709	0-5-0
				710	0-11-12
				711	0-3-15
				718	0-0-10
				920	1-16-0
				921	1-4-15
				927	0-8-15
				946	0-2-0
				949	0-1-35
				950	0-6-16
				951	0-10-3
				952	0-0-5
				961	0-0-5
				965	0-1-10
				966	0-3-0
				967	0-3-6
				973	0-7-10
				978	0-3-10
				979	0-5-10

का. आ. 4045 :—यत् पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय

1	2	3	4	5	6	7	1	2	3	4	5	6	7
				980	0-1-6						964	0 0-5	
				981	0-1-10						965	0-1-10	
				982	0-3-3						966	0-3-0	
				983	0-0-19						967	0-3-6	
				984	0-0-10						973	0-7-10	
				985	0-0-0						978	0-3-10	
				993	0-1-0						979	0-5-10	
											980	0-1-6	
											981	0-1-10	
											982	0-3-3	
											983	0-0-10	
											984	0-0-10	
											985	0-0-10	
											993	0-1-0	

[मं. O-12016/95/84-ओ एन जी-डी 4]

S.O. 4045.—Whereas by notification of the Government of India in the Ministry of Energy, Department of Petroleum S.O. 2717 dated 28-8-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land), Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline:

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira Barsilly Jagdishpur Pipe Lin. Project

Distt.	Tehsil	Pargana	Village	Plot No.	Area Acquired	Remarks
1	2	3	4	5	6	7
Ra-	Marora	Bachha-	Jalal-	680	0-0-9	
Bar-	Ganj	wan	pur	681	0-15-0	
				686	0-2-2	
				694	0-13-0	
				695	0 0-15	
				695	0-0-10	
				700	0-5-10	
				708	0-1-0	
				709	0-5-0	
				710	0 11-12	
				711	0 3-15	
				718	0-0-10	
				920	1-16-0	
				921	1-4-15	
				927	0-8-15	
				946	0-2-0	
				949	0 1-15	
				950	0 6-16	
				951	0-10-3	
				952	0-0-5	

[No. O 12016/95/84 ONG D.]

भा. भा. 4046.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का. भा. सं. तारीख 25-8-84 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को दिखाने के लिए अर्जित करने का अपना प्राप्य घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अथ, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करने हुए केन्द्रीय सरकार एतद्वारा घोषित है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाना है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हाजिरा बरेली जगदीशपुर पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम का नाम	लिया गया रकबा	विवरण	
1	2	3	4	5	6	7
राय-	महाराज-	बछरावां	रसूल-	618	0-14-2	
बरेली	गंज		पुर	638	0-14-10	
				644	0-1-14	
				645	0-4-19	
				646	0-0-15	
				647	0-5-5	
				648	0-1-5	

1	2	3	4	5	6	7
				650	0-4-0	
				651	0-2-10	
				552	0-12-4	
				653	0-4-2	
				661	0-16-15	
				713	1-8-0	
				714	0-19-5	
				717	0-19-4	
				743	0-2-8	
				744	0-1-10	
				745	0-13-19	
				746	0-3-0	
				747	0-2-6	
				749	0-3-0	
				750	0-5-0	
				751	0-2-5	
				752	0-1-15	
				753	0-2-8	
				754	0-1-5	
				763	0-0-15	
				764	0-7-11	
				767	0-8-2	
				768	0-1-4	
				769	0-0-10	
				702	0-0-6	
				748	0-0-10	

[सं. O-12016/95/84-प्रौद्योगिकी-डी 4]

S.O. 4046.—Whereas by notification of the Government of India in the Ministry of Energy (Department of Petroleum) S.O. 2717 dated 25-8-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land), Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira Baraily Jagdishpur Pipe Line Project

Distt.	Tehsil	Pargana Village	Plot No.	Area	Re-
				Acquired	mark
1	2	3	4	5	6
7					
Ras-	Mohar	Bachhra-	Rasul-	618	0-14-2
Barail,	Ganj	wan	pur	638	0-14-10
				644	0-1-14
				645	0-4-19
				646	0-0-15
				647	0-5-5
				648	0-1-5
				650	0-4-0
				651	0-2-10
				652	0-12-4
				653	0-4-2
				661	0-16-15
				713	1-8-0
				714	0-19-5
				717	0-19-4
				743	0-2-8
				744	0-1-10
				745	0-13-19
				746	0-3-0
				747	0-2-6
				749	0-3-0
				750	0-5-0
				751	0-2-5
				752	0-1-15
				753	0-2-8
				754	0-1-5
				763	0-0-15
				764	0-7-11
				767	0-8-2
				768	0-1-4
				769	0-0-10
				702	0-0-6
				748	0-0-10

[No. O-12016/95/84 CNG D-1]

का. प्रा. 4047. :—यत्. पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना सं. का. प्रा. तारीख 25-8-84 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यत्: सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यत्: केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करने हुए केन्द्रीय सरकार एतद्वारा घोषित है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निम्नलिखित है कि उक्त भूमियों में

उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हाजिरा बरेली जगदीशपुर पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	लिया गया कानाम	रकबा	विवरण
1	2	3	4	5	6	7
राय- बरेली	महराज- गंज	इन्हूना	ओतिया	359	0-12-0	

[म. O-12016/95/84-प्रोएनजी-डी-4]

S.O. 4047. -Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum) S.O. 2717 dated 25-8-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land), Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira Baroilly Jagdishpur Pipe Line Project

Distt.	Tahsil	Pargana	Village	Plot No.	Area	Re- Acquired	mark
1	2	3	4	5	6	7	
Rae- Bareilly	Mohraj Ganj	Inhuna	Otio	359	0-12-0		

[No. O-12016/95-84/ONG-D4]

का. अ. 4048. -यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना सं. का. अ. तारीख 28-8-84 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और अग्रे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है। कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हाजिरा बरेली जगदीशपुर पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	लिया गया रकबा	गाटा संख्या	विवरण
1	2	3	4	5	6	7
राय- बरेली	महराज- गंज	बछरावां	देरहटा	182	0-0-15	
				183	0-3-0	
				184	0-7-10	
				185	0-8-0	

[म. O-12016/95/84-प्रोएनजी-डी-4]

S.O. 4048.—Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum) S.O. 2717 dated 25-8-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land), Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira Bareilly Jagdishpur Pipe Line Project

Distt.	Tehsil	Pargana	Village	Plot No.	Area Acquired	Re-mark
1	2	3	4	5	6	7
Rae-	Maharaj	Bachhra-	Darhta	182	0-0-15	
Bareli	Ganj	wan		183	0-3-0	
				184	0-7-10	
				185	0-8-0	

[No. O-12016/95/84-ONG -D4]

कां० प्र० 4049.-यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना कां० प्र० सं० तारीख 25-8-84 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिये एतद्द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि० सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हजिरा-बरेली-जगदीशपुर पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम का नाम	लिया गया रकबा	विवरण
1	2	3	4	5	6
राय-	महाराज-	बछरावां - बेहरा	23	2-5-0	
बरेली	गंज	सैवरपुर	24	0-8-0	
			25	0-4-0	
			20	0-3-0	
			35	0-2-0	
			37	0-9-0	
			38	0-18-13	
			32	0-18-0	
			36	0-9-0	
			59	0-5-0	
			60	0-9-0	

5 6

57	1-9-0
58	0-12-0
62	0-2-0
56	0-3-0
53	0-1-0
51	0-4-0
52	0-8-0
50	0-2-0
145	0-3-0
152	0-0-6
119	1-15-0
148	0-8-0
19	0-5-0

[सं० प्र० 12016/95/84-ONG/डी-4]

S.O. 4049. -Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum) S.O. 2717 dated 25-8-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira Bareilly Jagdishpur Pipe Line Project

Distt.	Tehsil	Pargana	Village	Plot No.	Area Acquired	Re-mark
1	2	3	4	5	6	7
Rae-	Maharaj-	Bachhra-	Saidpur	23	2-5-0	
Bareli	Ganj	wan	Behra	24	0-8-0	
				25	0-4-0	
				20	0-3-0	
				35	0-2-0	
				37	0-9-0	
				38	0-18-13	
				39	0-18-0	
				36	0-9-0	
				59	0-5-0	
				60	0-9-0	
				57	1-9-0	
				58	0-12-0	

62	0-2-0
56	0-3-0
53	0-1-0
51	0-4-0
57	0-8-0
50	0-2-0
145	0-3-0
152	0-0-6
149	1-15-0
148	0-8-0
19	0-5-0

[No. O-12016/95/84 -ONG - D4]

का.अ. 4050.—यह पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का.अ. 2717 स. तारीख 25-8-84 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनुसूची में निर्दिष्ट भूमि का उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिये अर्ज करने का अपना आशय घोषित कर दिया था।

और यतः महम अधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में निर्दिष्ट भूमि में उपयोग के अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में निर्दिष्ट उक्त भूमि में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है।

और चाहे उस धारा की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि० में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हाजिरा-बरेली-जगदीशपुर पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम का नाम	विस्तार वर्गफुट	विवरण
1	2	3	4	5	6
राय-बरेली	महाराज-इन्दौना शेखर गंज		2	0-2-5	
			7	1-18-0	
			9	0-12-0	
			10	0-4-5	
			11	0-6-0	
			19	0-7-0	
			20	1-17-0	
			24	0-15-0	
			25	0-1-10	
			188	0-1-2	
			189	0-2-5	
			49	0-4-10	
			50	0-0-10	
			52	0-0-10	
			197	0-3-0	
			198	1-4-10	
			199	0-0-5	

209 0-0-10

218 0-0-8

219 0-6-10

220 0-6-0

21 0-5-10

221 2-2-0

[सं. अ-12016/95/84-ओ.एन.जी-डी-4]

S.O. 4050.—Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum) S.O. 2717 dated 25-8-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land), Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira-Bareilly-Jagdeshpur Pipe Line Project.

Distt.	Tohsil	Pargana	Village	Plot No.	Area	Re-Acquired mark
1	2	3	4	5	6	7
Rae-Bareilly	Maharaj Ganj	Induna	Sekhan Gaon	2	0-2-5	
				7	1-18-0	
				9	0-17-0	
				10	0-4-5	
				11	0-6-0	
				19	0-7-0	
				20	1-1-70	
				24	0-1-50	
				25	0-1-10	
				188	0-1-2	
				189	0-2-5	
				49	0-41-0	
				50	0-0-10	
				52	0-0-10	
				197	0-3-0	
				198	1-4-10	
				199	0-0-5	
				209	0-0-10	
				218	0-0-8	
				219	0-6-10	
				220	0-6-0	
				21	0-5-10	
				221	2-2-0	

[No. O-12016/95/84-ONG-D4]

का.आ. 4051.—यतः पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय, पेट्रोलियम विभाग की अधिसूचना स. का. आ. 2717 तारीख 25-8-84 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाईनों को बिछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाईन बिछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि० में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हाजिरा-बरेली-जगदीशपुर पाइप लाईन प्रोजेक्ट

जिला	तहसील	पार्गना	ग्राम का नाम	लिया गया रकबा	बिबरण
1	2	3	4	5	6
राय-बरेली	महाराज-गंज	सेमरीता मांस गाँव	535	0-1-0	
			537	0-16-10	
			538	0-2-10	
			847		
			550	0-6-0	
			552	0-16-10	
			569	0-0-10	
			568	0-16-10	
			534/849	0-7-10	
			538	0-6-10	
			551	1-11-0	
			567	0-2-10	
			534	1-19-0	

[सं० आ-12016/85/-84-ओ एन जी-डी-4]

S.O. 4051.—Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum) S.O. 2717 dated 25-8-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land), Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira-Bareilly-Jagdeshpur Pipe Line Project

Distt.	Tehsil	Pargana	Village	Plot No.	Area Acquired	Re-mark
1	2	3	4	5	6	7
Rae-Bareilly	Mahar-Ganj	Som-rata	Maj-haran	535	0-1-0	
				537	0-16-10	
				538		
				847	0-2-10	
				550	0-6-0	
				552	0-16-10	
				569	0-0-10	
				568	0-16-10	
				534		
				849	0-7-10	
				538	0-6-10	
				551	1-11-0	
				567	0-2-10	
				534	1-19-0	

[No. O-12016/95/84—ONG—D 4]

आ.आ. 4051.—यतः पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 के उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय के अधिसूचना का आ. सं. 2717 तारीख 25-8-84 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाईनों को बिछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करते के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः, अब उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा घोषित करता है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाईन बिछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है।

और आगे इस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निर्देश देता है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि० में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन के इस तारीख को निहित होगा।

अनुसूच

हाजिरा-बरेल्ल-जगदशपुर पाइप लाईन प्रोजेक्ट

जिला	तहसील	पारगना	ग्राम क नम्बर	निर्धारित प्लॉट का विवरण
1	2	3	4	5
राय-बरेल्ल	महाराज-गंज	इन्हौरा-पुवरा	815	0-0-4
			835	0-7-0
			836	1-1-0
			839	0-0-9
			847	0-0-4
			848	0-17-0
			849	0-15-6
			850	0-13-0
			861	0-9-16
			862	1-0-8
			864	0-1-10
			874	0-3-18
			876	0-2-15
			884	1-4-0
			885	0-3-3
			886	0-12-0
			887	0-4-0
			888	0-1-5
			890	0-1-2
			896	0-6-0
			823	0-4-5
			837	0-1-2
			851	0-1-16
			953	0-1-12
			863	0-0-8
			870	0-1-5
			975	0-6-0
			877	0-11-14
			889	0-11-5
			903	0-4-5

[सं. ऑ-12016/95/84-ओ एन ज-ए-4]

S.O. 4052.—Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum) S.O. 2717 dated 25-8-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land), Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira-Bareilly-Jagdeshpur Pipe Line Project

Distt.	Tehsil	Pargana	Village	Plot no.	Area Acquired	Remark
1	2	3	4	5	6	7
Rac-Bareilly	Maharaj-Ganj	Inhaura	Ram-pur	815	0-0-4	
			Puwor	835	0-7-0	
				836	1-1-0	
				839	0-0-9	
				847	0-0-4	
				848	0-17-0	
				849	0-15-6	
				850	0-13-0	
				861	0-9-16	
				862	1-0-8	
				864	0-1-10	
				874	0-3-18	
				876	0-2-15	
				884	1-4-0	
				885	0-3-3	
				886	0-12-0	
				887	0-4-0	
				888	0-1-5	
				890	0-1-2	
				896	0-6-0	
				823	0-4-5	
				837	0-1-2	
				851	0-1-16	
				953	0-1-12	
				863	0-0-8	
				870	0-1-5	
				975	0-6-0	
				877	0-11-14	
				889	0-11-5	
				903	0-4-5	

[No. O-12016/95/84-ONG-D4]

का.आ. 4053—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम 1962 (1962 का 50) के भाग 3 के उपधारा (1) के अधीन भारत सरकार के उर्जा मंत्रालय के अधिसूचना का.सं. 2717 तारीख 25-8-84 द्वारा केन्द्रिय सरकार ने उस अधिसूचना में संलग्न अनुसूच में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनी को विछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकार ने उक्त अधिनियम के धारा 6 के उपधारा (1) के अधिनियम के रिपोर्ट दे दी है।

और आगे यतः केन्द्रिय सरकार ने उक्त रिपोर्ट पर विचार करते के पश्चात् इस अधिसूचना में संलग्न अनुसूच में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः, अब उक्त अधिनियम के धारा 6 के उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रिय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूच में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है।

और आगे उस धारा के उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रिय सरकार निर्देश देत है कि उक्त भूमियों में उपयोग का अधिकार केंद्रिय सरकार में निहित होने के बजाय भारतिय गैस प्राधिकरण लि० मे गैस बाधाओं में सवत रूप में घोषणा के प्रकाशन के इस तारख का निहित होगा।

अनुसूच

हाजिरा-बरेल्ल-जगदशपुर पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम का नाम	लिया गया रकबा	विवरण	
1	2	3	4	5	6	7
राय-	महराज-	बछरावा	जेखर-	2351	1-1-0	
बरेल्ल।	गंज		पुर	2352	1-16-0	
			गमोदध	2437	2-11-0	
				2438	0-4-10	

[गं० ओ-12016/95/84-आं एन ज-ड-1]

S.O. 4053.—Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum) S.O. 2717 dated 25-8-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land), Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline ;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira-Bareilly-Jagdeshpur Pipe Line Project

Distt.	Tehsil	Pargana	Village	Plot no.	Area	Re-Acquired mark
1	2	3	4	5	6	7
Rae-Bareli	Mahara-ganj	Bachha-wan	Sheikh-pur	2351	1-1-0	
				2352	1-16-0	
			Samodha	2437	2-11-0	
				2438	0-4-10	

[No. O-12016/95/84-ONG-D4]

कां० आ० 4054:—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 के उपधारा (1) के अधिन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना सं० कां० आ० 2717 तारख 25-8-84 द्वारा

केंद्रिय सरकार ने उस अधिसूचना में संलग्न अनुसूच में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों की विछान के लिये अर्जित करने का अपना आणय घोषित कर दिया था।

और यतः मन्त्रम प्राधिकरण ने उक्त अधिनियम के धारा 6 की उपधारा (1) के अधिन सरकार का रिपोर्ट दे दी है।

और आगे यतः केंद्रिय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अथ, अतः उक्त अधिनियम के धारा 6 के उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केंद्रिय सरकार एतद्वारा घोषित करत है कि इस अधिसूचना में संलग्न अनुसूच में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विछान के पयोजन के लिये एतद्वारा अर्जित किया जाता है।

और आगे उस धारा के उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केंद्रिय सरकार निर्देश देत है कि उक्त भूमियों में उपयोग का अधिकार केंद्रिय सरकार में निहित होने के बजाय भारतिय गैस प्राधिकरण लि० मे गैस बाधाओं में सवत रूप में घोषणा के प्रकाशन के इस तारख का निहित होगा।

अनुसूची

हाजिरा-बरेल्ल-जगदशपुर पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम का नाम	लिया गया रकबा	विवरण
राय-बरेल्ल	महराज-गंज	बछरावा	उचौरा	457	0-3-0
				1301	0-2-16
				1305	1-1-10
				1306	0-1-7
				1307	1-2-0

[गं० ओ-12016/95/84-आं एन ज-ड-1]

S.O. 4054.—Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum) S.O. 2717 dated 25-8-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land), Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline ;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira Bareilly Jagdishpur Pipe Line Project

Distt.	Tehsil	Pargana	Village	Plot No.	Area Acquired	Re- mark
1	2	3	4	5	6	7
Rae-	Moharaj-	Bachhara-	Uchauri	457	0-3-0	
Bareilly	Ganj	wan		1304	0-2-16	
				1305	1-1-10	
				1306	0-1-7	
				1307	1-2-0	

[No. O-12016/95/84-ONG-D4]

का. आ. 4055.--यतः—पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम मंत्रालय की अधिसूचना का. आ. सं. 2386 तारीख 7-7-84 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि० में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हाजिरा में बरेली से जगदीशपुर तक पाइप लाइन बिछाने के लिए।

राज्य:- गुजरात जिला:- वाडोदरा तालुका:- वाघोडीया

गांव	सर्वे न.	हेक्टर आर	सेन्टीमीटर	
1	2	3	4	5
सांगडोल	168/1	0	17	76
	169/1	0	23	52
	170	0	60	00
	171	0	52	00

[मं O-12016/64/84-ओ. एन.जी. डी. 4]

S.O. 4055.—Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum S.O. 2386 dated 7-7-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land), Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Pipeline from Hajira—Bareilly—Jagdishpur

State : Gujarat District : Vadodara Taluka : Vaghodiya

Village	Survey No.	Hec- tare	Are	Con- tiare
Sangdol	168/1	0	17	76
	169/1	0	23	52
	170	0	60	00
	171	0	52	00

[No. O-12016/64/84-ONG-D4]

का. आ. 4056:--यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के उर्जा मंत्रालय की अधिसूचना का. आ. सं. 2717 तारीख 25-8-84 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि० में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

हाजिरा बरेली जगदीशपुर पाइप लाइन प्रोजेक्ट।

जिला	तहसील	परगना	ग्राम का नाम	लिया गया रकबा	विवरण
1	2	3	4	5	6
राय-	महाराज	हरदोई	पारा-		
बरेली	गंज		कला	6	1-2-14
				12	0-10-0

1	2	3	4	5	6	7
				11	0-7-10	
				18	0-17-15	
				19	0-2-0	
				15	0-0-5	
				13	0-7-0	
				16	0-7-8	
				20	0-8-10	

[सं. O-12016/95/84-ओ एन जी-डी-4]

एम० एन० श्रीनिवासन, उप सचिव

S.O. 4056.—Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum) S.O. 2717 dated 25-8-84 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land), Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from encumbrances.

SCHEDULE

Hajira Bareilly Jagdishpur Pipe Line Project.

Distt.	Tehsil	Pargana	Village	Plot No.	Area Acquired	Re-mark
1	2	3	4	5	6	7
Rae-Bareilly	Maharaj-Ganj	Hordoi	Para-kalan	6	1-2-14	
				12	0-10-0	
				11	0-7-10	
				18	1-17-15	
				19	0-2-0	
				14	0-0-5	
				13	0-7-0	
				16	0-7-8	
				20	0-8-10	

[No. O-12016/95/84—ONG—D4]
M.S. SRINIVASAN, Dy. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

नई दिल्ली, 14 अगस्त, 1985

का. आ. 4057.—भारतीय चिकित्सा केन्द्रीय परिषद्, अधिनियम, 1970 (1970 का 48) की धारा 14 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय चिकित्सा केन्द्रीय परिषद् से परामर्श करने के बाद एतद्द्वारा उक्त अधिनियम की द्वितीय अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची के भाग 1 में "पश्चिम बंगाल" शेष के अधीन क्रम संख्या 115 और उसमें संबंधित प्रविष्टियों के बाद निम्नलिखित क्रम संख्या और प्रविष्टियाँ रखी जाएँ; अर्थात् :—

1	2	3	4
"116. कलकत्ता आयुर्वेदचार्य विश्वविद्यालय, कलकत्ता	बी.ए.एम. (बैचुलर ऑफ आयुर्वेदिक मेडिसिन एण्ड सर्जरी)	1982 के बाद"	

[सं. बी. 26015/19/82-ए.ई.]

आर. एम. माथुर, अवर सचिव

नोट: भारतीय चिकित्सा केन्द्रीय परिषद् अधिनियम, 1970 (1970 का 48) की द्वितीय अनुसूची को वद में निम्नलिखित द्वारा संशोधित किया गया है :—

1. का. आ.सं. 4068, दिनांक 30 नवम्बर, 1979
2. का. आ.सं. 2635, दिनांक 18 दिसम्बर 1980
3. का. आ.सं. 2313, दिनांक 20 अगस्त 1981
4. का. आ.सं. 2314, दिनांक 22 अगस्त, 1981
5. का. आ.सं. 137, दिनांक 24 दिसम्बर, 1981
6. का. आ.सं. 638, दिनांक 25 जनवरी, 1982
7. का. आ.सं. 661, दिनांक 2 फरवरी, 1982
8. का. आ.सं. 973, दिनांक 20 फरवरी, 1982
9. का. आ.सं. 354(ई) दिनांक 6 मई, 1983
10. का. आ.सं. 3550, दिनांक 5 मितम्बर, 1983
11. का. आ.सं. 804(ई), दिनांक 11 नवम्बर, 1983
12. का. आ.सं. 462(ई), दिनांक 23 जून, 1984
13. का. आ.सं. 1911, दिनांक 17 अप्रैल, 1985

MINISTRY OF HEALTH AND FAMILY WELFARE

New Delhi, the 14th August, 1985

S.O. 4057—In exercise of the powers conferred by sub-section (2) of section 14 of the Indian Medicine Central Council Act, 1970 (48 of 1970), the Central Government after consulting the Central Council of Indian Medicine, hereby makes the following further amendment in the second schedule to the said Act, namely :—

In part I of the said Schedule, under the heading "West Bengal" after serial number 115 and the entries relating thereto, the following serial number and entries shall be inserted, namely :—

1	2	3	4
"116. University of Calcutta, Calcutta.	Ayurvedacharya (Bachelor of Ayurvedic Medicine and Surgery)	B.A.M.S.	From 1982 onwards."

[No. V. 26015/19/82-AE]

R.S. MATHUR, Under Secy.

NOTE.—The Second Schedule to the Indian Medicine Central Council Act, 1970 (48 of 1970) has been subsequently amended vide :—

1. S.O. No. 4068, dated the 30th November, 1979.
2. S.O. No. 2635, dated the 18th September, 1980.
3. S.O. No. 2313, dated the 20th August, 1981.
4. S.O. No. 2314, dated the 22nd August, 1981.
5. S.O. No. 137, dated the 24th December, 1981.
6. S.O. No. 638, dated the 25th January, 1982.

7. S.O. No. 661, dated the 2nd February, 1982.
8. S.O. No. 973, dated the 20th February, 1982.
9. S.O. No. 354 (E), dated the 6th May, 1983.
10. S.O. No. 3550, dated the 5th September, 1983.
11. S.O. No. 804(E), dated the 11th November, 1983.
12. S.O. No. 462(E), dated the 23rd June, 1984.
13. S.O. No. 1911, dated the 17th April, 1985.

diction in respect of the properties belonging to or taken on lease by or on behalf of the Mogul Line Limited, Bombay.

[No. SW/SME-5/85]

V. M. LAL, Director

नई दिल्ली, 19 अगस्त, 1985

आदेश

नौवहन और परिवहन मंत्रालय

(नौवहन पक्ष)

नई दिल्ली, 2 अगस्त, 1985

का.आ. 4058—सरकार का स्थान (अप्राधिकृत अधिभोगियों को नौवहन) अधिनियम 1971 (1971 का 40) प्रदत्त शक्तियों का प्रयोग करते हुए के.ए.ए. सरकार, सचिव, मुगल लाइन लिमिटेड को जो उक्त अधिनियम के उद्देश्यों के लिये सरकार के राजपत्रित अधिकारों की श्रेणी के समान पद के अधिकारी है, सम्पदा अधिकारी नियुक्त करती है और उक्त सम्पदा अधिकारों और उन शक्तियों का प्रयोग और उन कर्तव्यों का निर्वहन करेगा जो उक्त अधिनियम द्वारा या उसके तहत सम्पदा अधिकारों को उक्त अधिकार क्षेत्र में मुगल लाइन लिमिटेड की सम्पदा के संबंध में प्रदत्त होंगे जो उक्त कंपनी को हंगों या उक्त कंपनी द्वारा या उसकी ओर से ठेके पर ला गई होंगी।

[सं. एम. डब्ल्यू/एम.सी. एम-6/85 एम. एल.]

बी.एम. साह, निदेशक

MINISTRY OF SHIPPING AND TRANSPORT

(Shipping Wing)

New Delhi, the 2nd August, 1985

S.O. 4058.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the Secretary, Mogul Line Limited, Bombay, being of equivalent rank of the Gazetted Officer of the Government to be the Estate Officer for the purposes of the said Act and the said Estate Officer shall exercise the powers conferred and perform the duties imposed on Estate Officer by or under the said Act within the local limits of his juris-

का. आ. 4059.—केन्द्रीय सरकार वाणिज्यपोत परिवहन अधिनियम 1958 (1958 का 44) की धारा 7 उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि इसके द्वारा उक्त अधिनियम की धारा 412 उपधारा (1) और वाणिज्य पोत परिवहन (वर्ग) नियम 1977 के नियम 7 के तहत किसी नौवहन जहाज को किराए पर लेने की वरं निर्धारित करने और भारत के तटवर्ती व्यापार में लगे किसी जहाज द्वारा ग्राहकों या माल को बोने के लिए बसूली जाने वाली वरं निर्धारित करने की शक्ति का प्रयोग नौवहन महानिदेशक द्वारा भी किया जाएगा बशर्ते कि नौवहन महानिदेशक द्वारा इस शक्ति का प्रयोग सिर्फ उन्हीं मामलों में किया जाएगा जहां केन्द्रीय सरकार द्वारा किसी प्रकार का आर्थिक सहायता नहीं दी जाती है।

[फा. सं. एम. डब्ल्यू/एम.सी. एम-6/85 एम. एल.]

डा. डी. सुद, अवर सचिव

New Delhi, the 19th August, 1985

ORDER

S.O. 4059.—In exercise of the powers conferred by sub-section (2) of section 7 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby directs that powers to fix the rates at which any Indian ship may be hired and the rates which may be charged for the carriage of passengers or cargo by any ship engaged in the coasting trade of India exercisable by it under sub-section (1) of section 412 of the said Act and rule 7 of the Merchant Shipping (Rates) Rules, 1977 shall be exercisable also by the Director General of Shipping subject to the restriction that it shall be so exercised by the Director General of Shipping in those cases only where no subsidy by the Central Government is involved.

[File No. SW/MCS-6/85-SL]

D. D. SOOD, Under Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 31 जुलाई, 1985

आदेश

का.आ. 4060.—फिल्म सजाहकार बोर्ड के कार्यकरण में संबंधित विनियमों के नियम 14(ख) के उपबन्धों के अंतर्गत प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा इसके साथ लगी अनुसूची के कालम 2 में दी गई फिल्मों को, उनके सभी भारतीय भाषाओं के रूपान्तरों सहित, जिनका बिबरण प्रत्येक के सामने उक्त अनुसूची के कालम 6 में दिया हुआ है, स्वीकृत करती है :—

अनुसूची

क्रम संख्या	फिल्म का नाम	फिल्म की लम्बाई (मीटर में)	अभिनेता का नाम	निर्माता का नाम	क्या वैज्ञानिक फिल्म है या शिक्षा संबंधी फिल्म है या समाचार और सामयिक घटनाओं की फिल्म है या डाकुमेंट्री फिल्म है।
1	2	3	4	5	6
1. समाचार पत्रिका संख्या 55	564	फिल्म प्रभाग, भारत सरकार 24 पैडर रोड, बंबई-400026	भारत सरकार	समाचार और सामयिक घटनाओं की फिल्म 1 सामान्य प्रदर्शन के लिए	
2. समाचार पत्रिका संख्या 56	326	—तथैव—	—तथैव—	—तथैव—	—तथैव—

[फाइल सं. 315/7/85-एफ (पी)]

जी.के. गोविंदा, 253, अधिवासी

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 31st July, 1985

ORDER

S.O. 4060.—In exercise of the powers vested under the provisions of Rule 14(b) of the Regulations relating to the working of the Films Advisory Board, the Central Government hereby approves films specified in column 2 of the schedule annexed hereto in all its their languages versions to be the description specified against it/each in column 6 of the said schedule.

SCHEDULE

S.No.	Title of the film	Length of the film (in metres)	Name of the applicant	Name of the Producer	Brief synopsis whether a scientific film or for educational purpose or films dealing with news current events and documental films.
1	2	3	4	5	6
1.	News Magazine No. 55	564	Films Division, Government of India, 24-Peddar Road, Bombay-400026		News and current events, General release
2.	News Magazine No. 56	326	-do-		-do-

[F.No. 315/7/85-F(P)]

G.K. GOGIA, Desk Officer

नई दिल्ली, 21 अगस्त, 1985

का. आ. 4061.—यतः केन्द्रीय सरकार, आवश्यक पूछताछ करने के बाद, इसे बात से संतुष्ट है कि फिल्म "ओट्टायन" (मलयालम), जिसे केन्द्रीय फिल्म प्रमाणन बोर्ड मद्रास द्वारा "ए" प्रमाण पत्र प्रदान किया गया है, को केरल के सिनेमाघरों में उस रूप से प्रदर्शित रूप में दिखाया जा रहा है, जिसमें इसे प्रमाणित किया गया था।

अतः चलचित्र अधिनियम 1952 (1952 का 37) की धारा 5 (क) की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार एतद्वारा फिल्म "ओट्टायन" (मलयालम) के संबंध में प्रमाणपत्र संख्या 5185 ए दिनांक 7-2-85 को 21-8-85 से एक महीने की अवधि के लिए निलंबित करती है।

[सं. का. 815/1/85-एफ (सी)]

आर. डी. जोशी, उप सचिव

New Delhi, the 21st August, 1985

S.O. 4061.—Whereas the Central Government, after necessary enquiry, is satisfied that the film "OTTAYAN" (Malayalam), which has been granted "A" certificate by the Central Board of Film Certification, Madras, was being exhibited in theatres in Kerala in a form other than the one in which it was certified;

Therefore, in exercise of the powers conferred by sub-section (1) of section 5E of the Cinematograph Act, 1952 (37 of 1952), the Central Government hereby suspends the certificate No. 5185-A dated 7-2-85 in respect of the film "OTTAYAN" (Malayalam) for a period of one month from 21-8-85.

[No. 815/1/85-F (C)]

R. D. JOSHI, Dy. Secy.

रेल मंत्रालय

(रेलवे बोर्ड)

नयी दिल्ली, 12 अगस्त, 1985

का.आ. 4062.—राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (2) और (4) के अनुसार में रेल मंत्रालय (रेलवे बोर्ड) बिलासपुर रेलवे के बिलासपुर

मण्डल के निम्नलिखित अधीनस्थ कार्यालयों को, जहाँ के कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करता है :—

1. प्राचार्य, उच्चतर माध्यमिक शाला (हिन्दी माध्यम), बिलासपुर,
2. सहायक इंजीनियर-1 का कार्यालय, रायपुर
3. अपर मुख्य यांत्रिक इंजीनियर, वैगन मरम्मत कारखाना, रायपुर।
4. वॉश जर्माइक का कार्यालय, शहडोल।
5. प्राचार्य, उच्चतर माध्यमिक शाला (हिन्दी माध्यम), भिलाई मार्शलिंग यार्ड, भिलाई।
6. सहायक कार्मिक अधिकारी, (कल्याण) का कार्यालय, भिलाई।
7. सहायक मण्डल चिकित्सा अधिकारी का कार्यालय, रायपुर।

[सं. हिन्दी-84/रा.भा. 1/12/8]

ए. एन. वान्चू, सचिव, रेलवे बोर्ड एवं
भारत सरकार के पदेन संयुक्त सचिव

MINISTRY OF RAILWAYS
(Railway Board)

New Delhi, the 12th August, 1985

S.O. 4062.—In pursuance of sub-Rule (2) & (4) of Rule 10 of the Official Language (Use for the Official purposes of the Union) Rules, 1976, the Ministry of Railways (Railway Board) hereby notify the following offices of the Bilaspur Division of South Eastern Railway where the staff have acquired the working knowledge of Hindi :—

- (1) The Principal, Higher Secondary School, (Hindi Medium), Bilaspur.
- (2) Office of the Assistant Engineer-I Raipur.
- (3) Additional Chief Mechanical Engineer, Wagon Repair Workshop, Raipur.
- (4) Office of the Area Superintendent, Shahdol.
- (5) The Principal, Higher Secondary School, (Hindi Medium) Bhilai Marshalling Yard Bhilai.
- (6) Office of the Assistant Personnel Officer (Welfare) Bhilai.
- (7) Office of the Assistant Divisional Medical Officer, Raigarh.

[No. Hindi-84/OL-I/12/8]

A. N. WANCHOO, Secy.
Railway Board & Ex. Officio Jt. Secy.

अम मंत्रालय

नई दिल्ली, 12 अगस्त, 1985

का.अ. 4063.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का धारा 17 के अनुसार में केन्द्रिय सरकार, स्टेट बैंक आफ इंडोर के प्रबन्धन से सम्बन्धित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रिय सरकार आयोगिक अधिकरण, कानपुर के पत्रों को प्रकाशित करता है, जो केन्द्रिय सरकार को 5-8-85 का प्राप्त हुआ था।

MINISTRY OF LABOUR

New Delhi, the 12th August, 1985

S.O. 4063.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the State Bank of Indore and their workmen, which was received by the Central Government on the 5th August, 1985.

**BEFORE SHRI R.B. SRIVASTAVA, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT, KANPUR.**

Industrial Dispute No. 180 of 1981

In the matter of dispute between;

Shri Shiv, Narain Dixit, through The Assistant General Secretary, U.P. Bank's Employees Union, Kanpur

Workman

AND

The Manager, State Bank of Indore, Kanpur.

Management

APPEARANCE;

Shri V. N. Sekhari—for the Workman.

Shri Vijay Man Singh—for the Management.

AWARD

The Central Government, Ministry of Labour, vide its notification No. L-12012/135/81-D O. II. A dated 9th December 1981 has referred the following dispute for adjudication;

Whether the action of the management of State Bank of Indore in relation to its R.N. Nagar, Branch, Kanpur, in not providing employment to Shri Shiv Narian Dixit Clerk/Cashier after 27-1-81 (afternoon) and terminating his services is fair, just and legal? If not, to what relief is the workman concerned entitled?

2. Shri Shiv Narian Dixit workman in question entered in the services of the State Bank of Indore, Kanpur, as clerk on 14-11-80 and his services were suddenly terminated on 21-1-81 just after completion of 75 days.

3. No letter of appointment nor any letter of termination was given to him. The management indulge in practice of appointing clerks for a period of 75 days thus these appointments were unfair labour practice and violation of para 20.7 and 20.8 of the bipartite settlement beside para 495 and 522 of the Sastri Award. It is further averred that the workman worked against permanent vacancy and after termination of the services of the workman others were appointed for a period of 75 days. Thus the action of the management violated the provisions of section 25G and 25H of the I.D. Act. Further the workman was not given 14 days notice nor he was paid in lieu on notice. It is prayed that he be reinstated with full back wages and continuity of services and absorbed on the permanent post in the service of the bank management.

4. The respondent opposite party in short written statement submitted that as identical contention have been raised in this case as in the case of Kumar Prabha Bajapi of the

reference No. 181 of 81 CGIT, New Delhi, they submitted for the sake of brevity the written statement in reply to reference No. 181/81 be taken as written statement in this case. Reference No. 181/81 was decided by Central Government Industrial Tribunal, New Delhi and reference No. 180 of 1981 was transferred to this tribunal on its creation. The management consequently took back the written statement filed in reference No. 181 of 81 and filed that as written statement of this case.

5. The management bank raised preliminary objection that the present alleged industrial dispute does not fall within scope of the reference and should be rejected. The plea was however not pressed before me and rightly so as the government in its wisdom after considering failure report of A.L.C. and stand of the parties considered the dispute to be an industrial dispute and made a reference under the Industrial Dispute Act.

6. The stand of the management is that the employment of the workman was purely temporary in view of sudden requirement of the work and in view of such sudden requirement temporary hands and purely casual appointment for short term was made in order that its work may not suffer. It is further averred that these temporary appointments are not made on the basis of the permanent appointment wherein a detailed examination, interview and a detailed procedure is followed. In case of a temporary appointment this procedure is not followed as the employment is purely temporary and his need based for a short period never existing for more than 75 days. It is further averred that industrial reference cannot be used as back door entry hampering the rights of the meritorious candidates who are taken in the employment on the basis of examination and interview etc. It is further averred that the increase in the staff component depends upon the absence level of the branch. It is denied by the management bank that the workman was appointed against a permanent vacancy rather he was appointed on account of requirement at the relevant time commensurate with the absence level obtaining at the branch of the bank. It is further averred that the appointment of the workman was not in violation of para 20.7 or 20.8 of the bipartite settlement or para 495 and para 522 of the Sastri Award, as the same are not attracted and that the workman was paid 14 days salary for the notice period in lieu of notice. The respondent bank further averred that the period of 75 days of temporary appointment did not attract the provision of section 25G and H of the I.D. Act as they are not intended to apply to next like the present one wherein purely temporary appointments in the circumstances detailed above is invalid.

7. Rejoinder a fresh on behalf of the workman was filed wherein it is averred that the workman was not a temporary employee in terms of the definition of Desai Award, bipartite settlement as he was appointed against the regular vacancy for doing regular/permanent nature of work and as such should have been treated as permanent and continuity in the service as the workman was designated as temporary hand and was working against regular vacancy on regular seat. It is further averred that his employment in the bank is governed by the settlement of the bipartite settlement and awards which is binding on the parties and since there has been violation of the same the workman is entitled to be put back in services as prayed for. It is further averred that after the termination of the services of the workman fresh hands were employed on the vacancy caused by the termination of the workman Shri Shiv Narain Dixit, while earlier to the appointment and subsequent to the termination fresh hands were appointed by the bank management. It is further averred that the provision of section 25G and H of the I.D. Act are quite independent in itself and have nothing to do with section 25F or section 25B of the act. It is also averred that there was no question of any retrenchment in the bank which is a ever expanding and nationalised bank and fresh appointments were regular being made.

8. It is further averred that article 16 of the Indian Constitution deals with equality of opportunity in the matter of employment and many employees of the banks were taken in regular services without following the prescribed procedure and which should not be denied in the case of the

workman concerned. The decision of the bank management not to allow the workman to continue beyond 75 days is discriminatory besides illegal and violative of article 16 of the Indian Constitution.

9. It is argued by the management bank that in the year 1979 Banking Service Recruitment Board or Regional Recruitment Board State Bank of India came into effect to recruit the clerical staff for the nationalised banking industry hence regular appointment should not be made and to meet exigency of the work only temporary hands were appointed for 75 days and as he was a temporary hand and terminated without notice, 14 days salary was paid to him. The workman fully knew that his appointment was purely temporary and on that account he did not raise any objection nor approached the board for being absorbed in the bank's service.

10. The facts of the case being almost admitted. The crux of the matter lies in not properly appreciating the law of the land. In the case of the employment between the workman and management bank which is admittedly an industry, the appointments if made are not wholly on contractual basis. Just as primitive society proved status to contract, the contract is giving way to social legislature and the persons serving in the industry acquire a status on accounts of industrial law and various bipartite settlements and awards. Had there been no social legislature, the management was fully within its right to employ a man and terminate him when ever he desires. In that case the principle of hire and fire could be applicable but since the advent of this social legislature there is a curbing on the rights of employers in these matters and it is on that account that rule of 14 days notice, question of payment of retrenchment compensation so that the terminated workman may have something to stand back on his legs and provisions of section 25F & H have been framed. Even if 14 days pay was given in the instant case in lieu of notice for termination of the services of the workman as required in para 522 of the Sastri Award. Admittedly no appointment letter or any termination letter was given to the workman as required in para 493 and 495 of Sastri Award. Further no list of temporary employees was maintained. There is no category of casual employee under para 508 of the Sastri Award. No doubt the management had written to its head office for shortage of hands on account of ever increasing work as is evident from exhibit M-4 to M-6 and further from the statements given in ext. M-9 to M-11. The management was not justified to terminate the services of the workman after 75 days when the work was still there and when a junior workman Shri M. K. Tewari who was employed on 29-12-80 and was allowed to continue to work till 11-12-81 as is evident from Ext. M-9. Principle of Last Come First Go should have been complied with.

11. I am supported in my view as law laid down in the case of Shri Gaffar & others Vs. Union of India and others 1984 LAB 645 wherein it was held:

Rule 77 requiring maintenance of seniority list of workmen has been included by the rules so that the object of section 25G of the Industrial Dispute Act may be effectively achieved. The minimum time of seven days allowed for this purpose is not unnecessarily long for, the workman should get an adequate opportunity to scrutinise the correctness of the seniority list before he is thrown and viewed from this angle. It should be held that the requirement mentioned in rule 77 is mandatory and its violation renders an order of retrenchment illegal.

12. In the case of M/s. National Iron and Steel Company Versus State of West Bengal, 1967, 11 LLJ 23 S.C. at page 30 wherein it was observed as follows:

Incidentally it may also be pointed out that the retrenchment of Sushil does not seem to be otherwise

justified in that following the principle of last come first go. Sushil could not be called upon to leave the company's service. Another employee by name of Joy Kishan, junior to Sushil was terminated in service.

13. In the case of BICV Labour Court 1978 LAB Industrial cases page 230 (Allahabad) it was held therein as follows:

Retrenchment of chowkidar—reorganisation of business—appointment of new chowkidars—without offering opportunity to retrenched workman for temporary employment, held that employer contravened mandatory requirement of section 6Q of UPID Act (Sec. 25H of the Act) retrenchment not bona fide, workman entitled to reinstatement.

14. In the case of Shri Raghunandan Prasad Versus Institute of Physically Handicapped 1985 page 148 S.C. wherein it was held:

Before his dismissal became effective he ought to have been given an opportunity of making a written representation or being heard by the authority. If he asks for this opportunity and it is refused the order of dismissal is null and void.

15. In view of the facts and law discussed above I hold that the action of the management of State Bank of Indore in not providing employment to Shri Shiv Narain Dixit Clerk/cashier after 27-1-81 (afternoon) and terminating his services is not fair just and legal.

16. The result is that the workman is entitled to be reinstated in service with full back wages.

17. I, therefore, give my award accordingly.

18. Let 6 copies of this award be sent to the Government for publication.

Dt. 30-7-85.

R. B. SRIVASTAVA, Presiding Officer
[No. L-12012/135/81-D.II(A)]

नई दिल्ली, 14 अगस्त, 1985

का.आ. 4064.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूनाइटेड बैंक ऑफ इंडिया के प्रबंधन में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करना है, जो केन्द्रीय सरकार को 5-8-85 प्राप्त हुआ था।

New Delhi, the 14th August, 1985

S.O. 4064.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the United Bank of India and their workmen, which was received by the Central Government on the 5th August, 1985.

BEFORE SHRI R. B. SRIVASTAVA PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
KANPUR

Industrial Dispute No. 84/1983

In the matter of dispute between:

Shri Ram Dular Pandey c/o Regional Secretary, United Bank of India, Sharmik Karamchari Samiti, 28/93, Birhana Road, Kanpur. Workman.
AND

Regional Manager, United Bank of India, Habib Ullah State, Hazrat Ganj, Lucknow. Management.

APPEARANCES:

Shri Mangalvadkar—representative for the workman.
Shri S. C. Mitra—representative for the management.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/72/81-D.II(A) dt. 19th February, 1982, has referred the following dispute for adjudication:

Whether the action of the management of United Bank of India, Lucknow, in reverting Shri Ram Dular Pandey, Special Assistant, to the post of Head Cashier, is justified. If not to what relief is the workman concerned entitled?

2. It is common ground that the workman Shri Ram Dular Pandey was an employee of the management bank and was working as Head Cashier, Hazratganj Branch, Lucknow. The workman was offered the post of Special Assistant at Lucknow branch which was accepted by him and he joined his duties on 24-1-79 and was confirmed with effect from 24-4-80, on 1-11-80, and the management served a notice on the management indicating its intention to revert the workman from the post of special assistant to the post of Head Cashier from 22-11-80. The management's plea of reversion is that the practice of the respondent bank has always been with illigible candidates but who have once declined to accept the offer of special assistant are given a go by and are not offered the post of special assistant in future. That on retirement of one Shri Raghunarain on 30-12-79, the vacancy of special assistant raised. On going through the various records of the management it was found that Shri J. S. Shukla, Head Cashier of Lucknow Branch who was the senior most candidate of the station had once declined to the acceptance of the offer the post of special assistant at Agra, in 1970 consequently thus following the rules not to consider those who had declined the offer once. Shri Shukla was given go by and the next man Shri R. D. Pandey workman working as Head Cashier, Hazratganj Branch was offered the post of special assistant and who readily accepted the same. Subsequently a dispute was raised by the bank's employees association and it was pointed out on their behalf that the workman had once offered the post and he has refused to accept the same hence a workman was permanently debarred from promotion to the post of special assistant. On checking the personal file of the workman which is maintained at Head Office at Lucknow, but nothing was found therein. On reference to the Regional Office, it was found that the Regional Office by a telegram asked for the consent of the workman for the post to special assistant in Uttar Pradesh, which was refused by him by his letter dated 15-2-1972, and it was under these circumstances that the notice dated 1-11-80, was issued to the workman indicating intention to revert him to his substantive post from 22-11-80 as he was given the post of special assistant on mistake which on being discover, the mistake was sought to be rectified.

3. The management raised preliminary objection that the reference appears to be under section 2-A of the I.D. Act which was not maintainable. In the rejoinder the workman has averred that barring a person from higher post permanently for alleged refusal on single occasion is unjust and unreasonable. It was further averred that denial of posting of the special assistant offered as back in 1972 cannot be barred to him permanently and hence, once confirmed he cannot be deconfirmed. The workman has filed Annexure 1 to 2 and 3 which are letter for the post, confirmation letter and change of service condition for reversion having declined to work as special assistant in 1971.

4. On the other hand the management has filed the telegram sent in 1972 requiring the consent of workman for the post of special assistant and refusal letter of the workman dated 15-2-72, in which he declined to accept the offer of the post of special assistant. Both the documents are admitted by the workman.

5. The only question for determination is as to whether the refusal once should be considered as refusal for all subsequent promotions or not.

6. The management has not filed any list rule or circular indicating that the offer once declined debar a man for being considered in subsequent promotions for the post of that nature. On behalf of the management one Shri S. K. Banerjee has appeared in the witness box. He in the opening cross examination stated that the guide line mentioned in

para 3 of his affidavit are in form of circular from the higher authorities. No such circular has been filed. He has deposed that whenever a clerk is promoted to the post of special assistant and first of all station-wise seniority taken into consideration and then state-wise seniority and first station-wise seniority is given and then statewide. He has further stated that it was also prevailing in the bank that if a person declines to go on promotion, the next man is promoted. He has further stated that that policy was circulated and no such circular indicating the policy has been filed by the management.

7. On the other hand Shri R. D. Pandey has appeared in the witness box. He has deposed that he expressed his inability to proceed on promotion in 1972 when enquired by a telegram. If he was agreeable to accept the post of special assistant in U.P. State. He has further stated that if Jai Shanker Shukla was senior to him or not.

8. It is true that promotions to special assistants particularly carrying pay which made on the basis of seniority and if the person eligible refuses to accept the same, the next person becomes eligible and he is appointed, if he accepts to go on promotion.

9. This procedure does not in the absence of any express Circular debar a man who has once refused to accept the promotion permanently. The effect of refusal would be that for the period he does not become eligible to be considered second time, he may loose his seniority and the special pay which he might have earned during that period. If Shri Jai Shanker Shukla declined to go on promotion the management was justified in offering the post to Shri R. D. Pandey in the absence of any express circular debaring a man to be considered for promotion if he once declines to accept the offer as was done by the workman in the year 1972. It does not mean that he is debarred for all times to come. Such a policy prevailing in the bank would be unjust and improper and in these circumstances I hold that the action of the management bank in reverting Shri R. D. Pandey, Special Assistant, to the post of Head Cashier is not justified and the workman will be entitled to the special pay from the date of his reversion.

10. I, therefore, give my award accordingly.

11. Let requisite number of copies of this Award be sent to the Government for publication.

R. B. SRIVASTAVA, Presiding Officer
[No. L-12012/72/81-D.II(A)]

का आ. 4065—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधन ने सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-8-85 प्राप्त हुआ था।

S.O. 4065.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the Central Bank of India and their workmen, which was received by the Central Government on the 3rd August, 1985.

BEFORE SHRI R. B. SRIVASTAVA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, KANPUR

Industrial Dispute No. 95/81

In the matter of dispute between :

Shri Bijesh C/o Shri O. P. Nigam, 295/387, Deen
Dayal Upadhyay Marg, Ashrafabad, Lucknow.

AND

The Divisional Manager, Central Bank of India, 20-A,
Chak Lalal Gandhi Nagar, Gorakhpur.

APPEARANCE :

Shri O. P. Nigam, representative—for the workman and,
Shri H. L. Chibbar, representative—for the management.

AWARD

1. The Central Government, Ministry of Labour, vide its notification number L-12012/51/80-D.II A dated 21st July, 1981 has referred the following dispute for adjudication:

Whether the action of the management of Central Bank of India, Divisional Office, Gorakhpur, in depriving Shri Brijesh Ex-Substaff from permanent employment, inspite of his having been rated in the select list of such candidates drawn in 1972 is justified? If not to what relief is the workman concerned entitled?

2. It is common ground that before bank's recruitment policy a test and interview was held in the year 1972, and on the basis of that merit list of successful candidates was prepared in which the workman Shri Brijesh name appeared at serial no. 53 in order of merit in the general category. In pursuance of the same he was given temporary chances in the year 1972-73 as well as in the year 1974 upto 8th May, 1974, but his services were abruptly terminated and he was not allowed any further chances..

3. The workman has averred that in that way he had worked total period of 205 days upto 8th May, 1974, when other juniors to him were allowed to complete 240 days during a year. The workman has further averred that persons below him in the merit list were as under :

Number in merit list	Name
1. 89	Shri Krishna Prasad
2. 98	Shri Mohan Lal
3. 99	Shri Rajnath Mishra
4. 129	Shri Amar Nath Mishra
5. 130	Shri Gani Singh
6. 131	Shri Ram Sumiran Mallah
7. 160	Shri Anil Kumar Gutta
8. 167	Shri Dayanand Goswami
9. 170	Shri R.C. Bhatt
10. 172	Shri Chandra Mohan Tondan

and in this way the management also adopted the policy of pick and choose against the instructions contained in the circular for the purposes of recruitment. The workman has further given a list of candidates who were below him in the merit list but were taken in the service as permanent hands in the year 1974, 1975 and 1976. The names of those persons are as under:

1. 64	Shri Prahlad Prasad	1-01-75
2. 71	Shri Bhagwati Prasad	1-9-1974
3. 113	Shri Prahlad Nath	6-11-74
4. 141	Shri Ram Kanojia	12-10-74
5. 145	Shri Ram Bhajan	2-12-74
6. 148	Shri Panna Lal	3-07-75
7. 157	Shri Ram Jaman Ram	5-05-75
8. 163	Shri Inder Lal	1976
9. 164	Shri Baboo Ram	5-0-75

In this way merit list dated 31-7-72 was taken into consideration for permanent absorption till 1976. That despite merit list number of persons were given permanent absorption from 74 to 79.—It is further averred that the Divisional Manager Lucknow did not notify the requirements as contained in the circular no. 4 of 1968 nor was clarified as to how many candidates were appointed from the merit list dated 31-7-1972. The backlog of the Scheduled Caste and Scheduled Tribes from 1-11-70 to 1972 was complied. There was no backlog for absorbing them till 31-12-1977. The management have been unjust in contending that the merit list has out lived its utility after completion of one year as persons have been appointed from the list were allowed upto 74 and persons were appointed from that list even till

1978-79. In the end it is averred that the earlier merit list of July, 1972 is quite illegal and unjust and that the applicant be absorbed in permanent service of the bank with full back wages.

4. The management bank raised preliminary objections that the applicant was not a workman and was not entitled to raise industrial dispute and further mere empanelment will not entitle him to any claim for permanent absorption in the bank's services. The management has also filed circular dated 31-7-72 Annexure M1 of the written statement giving list of the approved candidates for substaff in which the name of the applicant Shri Brijesh appears at serial no. 53. In this circular it was mentioned that the list will remain in force upto 31-12-73. It is further averred in the written statement that according to the circular dated 6-5-68 such all the list of the approved candidates remain operative for one year only. There is nothing in this circular alleging and limiting the light of the merit list for one year only. It appears that the inference is drawn from para (i) of the circular under Head Requirement which runs as follows :

The Chief Agents and the staff department of the Head Office in consultation with the offices and departments under their charge will prepare in the beginning of every year for this year immediately on receipt of this circular a personnel budget indicating their requirements of additional staff under the various categories i.e. subordinate, clerical, typists, godown, cash, stenographers, and to cover replacement by way of anticipated retirements, increase in business, opening of new branches and Godowns and obtain specific head office approval with regard to their cases to the head office they will supply full data and advance cogent reasons explaining why it is not possible to carry on work with the existing strength.

It is further laid down in the said circular as follows :

From the final list of candidates selected the names of those candidates who have been approved but could not be given any appointment for want of vacancy, will be kept on a waiting list, such a list should be prepared for each category of staff and any vacancies arising in these categories during the course of the year should be first offered to such candidates whose names appear in the waiting list in the order of merit. Temporary, staff, if required at any time, should also be strictly drawn from this list. In other words, no one who has not qualified in the written and interview test should be appointed even as a temporary member of the staff.

This direction contained circular no. 4 of 1968 categorically states that the list will not be scrapped after the close of the year rather it lays down that it may be kept as waiting list and persons in all further appointments of the temporary staff shall be made from that. Subclause (iii) of the same circular further lays down as follows :

All those employees who have been in the temporary employment in the bank and who has served the bank for minimum of 3 months and whose work and conduct have been found satisfactory will be given preference while filling in all permanent vacancies. A list of such candidates should be prepared and put up on the notice board of branches and copy of the same sent to Head Office.

5. It is further averred by the management that in the list of 1972 no reservation was made in favour of the Scheduled Caste or Scheduled Tribes candidates. Ex-service man but in view of the letter of the Regional Office dated 25th May, 1974 Annexure M-2. The backlog of the Scheduled Castes and Scheduled Tribes was to be filled up and if not completed it was carried forward till completion, consequently a circular was issued from the regional office Annexure M-3 for withholding a special recruitment for Scheduled Caste and Scheduled Tribes and in view of the said direction a test was held in the year 1974 and on that account the merit list annexure M-1 became inoperative. It may be mentioned here that there was no direction that

the merit list prepared after test in July, 1972 be scrapped and should not be maintained even as waiting list and since back log had to be completed there was no question of giving temporary appointment to the workman. The bank admits that the persons mentioned in para 8 of the claim statement were given permanent absorption because they had completed 240 days in one calendar year while as the workman had not done so. It is further admitted that the persons belonging to Scheduled Caste and Scheduled Tribes in the above merit list M-1 were given appointment to fulfill the back log of Scheduled Caste and Scheduled Tribes and thus the averments of para 9 admitted. The management has further admitted that the persons mentioned in para 11 of the claim statement were given appointment on the dates mentioned against their names as they are sons and daughters of the banks employees.

6. In the rejoinder taking into consideration the back log of SC/ST from 70 to 73 as given in annexure M-1, M-2, the workman has given a chart indicating that upto 76 the back log was filled upto 72 and as such there was no vacancies of the Scheduled Caste and Scheduled Tribe till then and by the end of 79 only 5 S.C. and 6 S.T. were to be recruited upto 1970 and hence there was no occasion to make fresh advertisement for S.C. and S.T. upto 1974 and thus the management deprived the workman from continuing in the management's service. It is further averred that even S.C. and S.T. candidates were taken from the merit list of 1972 and there was no reason to stop the recruitment of the general candidates from the list. In the rejoinder the workman took the stand that neither he was given discharge letter or notice for termination and accordingly no register was maintained by the bank management as required under para 493 of the Sastri Award.

7. The management has examined Shri P. K. Dey on affidavit. In the affidavit it is averred that in view of the letters of the Head Office to fill up back log in further vacancies of scheduled caste and scheduled tribes a test was held on 1-12-74. The cross examination of this witness was carried forward in several dates. In his part of his cross examination he stated that appointment from the merit list made upto December, 1973. In later cross examination he admitted that the bank appointed people who had completed 240 days in 12 calendar months till 1974 and not only December 73 and that the recruitment of staff of merit list left in view of circular no. 4 of 1968, and was superseded by circular annexure M-2 dt. 25-5-74, regarding recruitment of the rules. In further cross examination on 13-3-84, the management witness admitted that whenever any one completed 240 days we gave him job under supreme Courts judgment. He took further time to explain about appointment of specific persons. On the point of back log, the management gave information on 31-12-74 that there was back log of 5 scheduled caste and one schedule tribe. On 31-12-75, it was 7 S.C. and 2 S.T. On 31-12-76 it was 7 S.C. and 2 S.T. and on 31-12-77 it was 10 S.C. and 2 S.T.. If the back log of the scheduled caste and scheduled tribes till December 74 was only 5 S.C. and 1 S.T. which could be filled and was filled from the merit list of 1972. There was no occasion for holding a recruitment test for Scheduled Caste and Scheduled Tribes candidates in December 74 and thus stopping the recruitment from the merit list of 1972. The management vide endorsement of the order issued has admitted that Shri Chandra Prakash who had secured less number of marks. It is further admitted that Shri Chandra Prakash and Krishna Prasad who had secured less number of marks than the Brijesh were given regular appointment as Chandra Prakash had completed 240 days between 1-5-73 to 30-4-74 and Krishna Prasad had completed 316 days between 1-11-73 to 31-10-74. Thus Shri Krishna Prasad was allowed to work for more than 5 months when he was junior to the workman and thus completed more than 240 days work in one year.

8. The workman has not given any oral evidence and relied on the evidence on record. It is true that empanellment will not give any right to the workman to be absorbed in permanent vacancies but it is shown that their termination has not been in good faith or had been not following the fair play, the Tribunal would be justified in interfering with the order of the termination. I am supported in my view by law 658 GI/85-6.

laid down in Shri S. B. Srivastava Versus Benaras Electric Supply Company Ltd., wherein it was held :

If Labour Court finds that the order of termination has not been exercised in good faith or that it was not resorted to from the arbitrary or capriciously notice arbitrarily it would be unjust in interfering with the order of termination.

It has come in the evidence that from this list persons were employed in the year 1974, but according to the management they employed for the first time because they were persons following to schedule caste and scheduled tribe. The circular no. 4 of 1968 extensively quoted above does not show that the merit list prepared on 31-7-72 stood terminated on 31-12-73. Rather it is admitted that the list was continued and scheduled caste and scheduled tribes candidates were appointed from that list even in 1974 as given in circular para (c); no waiting list was prepared and workman had worked for 205 days when his services were abruptly terminated on 8-5-74 having been given temporary appointments in the year 1972, and 1973. Even if Chandra Prakash who being a scheduled caste candidates was given an edge over the workman Krishna Prasad who was junior to the workman in the gradation list should not have been allowed to continue till 11-10-74 and the workman terminated on 8-5-74. The workman having a better claim in the merit list should have been continued and the Juniors persons particularly Krishna Prasad should have been dispensed with. Had the workman been allowed to work even till 31-10-74 and there by working for about 54 months, he must have been completed for more than 240 days by that time. This had been a clear case of discrimination. Thus the termination of the workman has not been effected in good faith and fair play and is liable to be struck down on that count. Further the management did not observed any of the provisions either of the Sastri Award's para 493 nor provisions of notice before termination of a temporary employee as required under para 522 of the said award.

10. In these circumstance, the termination being not in accordance with the law and being not in good faith and fair play is liable to be struck down.

11. The result is that the workman will have to be reinstated with full back wages.

12. I, therefore, hold that the action of the bank management i.e. Central Bank of India, Divisional Office Gorakhpur in depriving Shri Brijesh Ex Sub-staff from permanent employment, inspite of his having been rated in the select list of such candidates drawn in 1972 is not justified, and the workman Shri Brijesh is entitled to be reinstated in service with full back wages.

13. I, therefore, give my award that workman Shri Brijesh shall be reinstated with full back wages.

14. Let 6 copies of this award be sent to the Government for its publication.

dated : 30th July, 1985

R. B. SRIVASTAVA, Presiding Officer

[No. L-12012/51/80-D.II(A)]

नई दिल्ली, 19 अगस्त, 1985

का.आ. 4066.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में केन्द्रीय सरकार, बैंक ऑफ इंडिया के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट की प्रमाणित करती है, जो केन्द्रीय सरकार को 18-85 प्राप्त हुआ था।

New Delhi, the 19th August, 1985

S.O. 4066.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur, as shown in the Annexure, in

the industrial dispute between the employers in relation to the management of Bank of India, and their workmen, which was received by the Central Government on the 5th August, 1985.

BEFORE SHRI R. B. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR

I.D. No. 105/83 and 106/83

In the matter of dispute between :

Shri Ramesh Chandra Shukla (I. D. No. 105/83)

Shri Ashok Kumar Mishra (I. D. No. 106/83)

C/o General Secretary Staff Union, Bank of India, Life Insurance Building, The Mall, Kanpur.

AND

The Deputy General Manager, Bank of India, Nawal Kishore Road, Mohini Menson Road, Lucknow.

Shri V. N. Sekhari representative—for the workman and

Shri Jagat Arora, representative—for the management.

AWARD

I. D. No. 105/83

The Central Government vide its Notification No. L-12012/321/81-D.II (A) dated 20th May, 1982 has referred the following dispute for adjudication :—

Whether the action of the management of Bank of India Lucknow in terminating the services of Shri Ramesh Chandra Shukla Clerk Kannauj Branch, w.e.f. 2-4-75 is justified. If not, to what relief, the workman is entitled ?

I. D. No. 106/83

The Central Government, Ministry of Labour, vide its Notification No. L-12012/320/81-D.II (A) dated 28th May, 82 has referred the following dispute for adjudication :

Whether the action of the management of Bank of India, Lucknow in terminating the services of Shri Ashok Kumar Mishra, Clerk, Kannauj Branch with effect from 19-2-85 is justified ? If not, to what relief the workman concerned is entitled ?

1. It is common ground that the workman Shri Ramesh Chandra Shukla, was employed in the management bank on 25-2-74 on temporary basis at management's Kannauj branch. Though it is denied that the workman worked for more than 240 days in 12 calendar months against the assertion of the workman to that effect but he remained in service till 24-4-74. The management has however, admitted that the workman remained in the employment of the management bank till 2-4-75 after his initial appointment for two months and reemployment from time to time to exigency of work in the bank. The management bank contention is that as the workman has worked for a stipulated period on a temporary post so there can not be any question for paying him retrenchment compensation. The management has denied that the workman had actually worked for 300 days in the bank. The case on behalf of the workman is that he had worked for 381 days against the clear vacancy which was ultimately filled in March 75 and workman's services were terminated thereafter on 2-4-75. It is further contended that the workman was not given any notice or notice pay or pay in lieu of notice or retrenchment compensation. The management appointed several new hands after termination of the workman hence provision of section 25G and 25H of the I. D. Act read with rule 77 and 78 of the Central rules have been violated. It is consequently prayed on his behalf that he be reinstated with full back wages. The management has denied that workman worked in a clear vacancy and for stipulated period hence provision of section 25G and H are not attracted.

2. The management took two preliminary objections that the reference is belated and that the General Secretary of the union is not authorised to present and sign the claim statement of the workman.

3. In the case of Shri Ashok Kumar Mishra it is common ground that he was also appointed in the management bank on temporary basis. It is further admitted that the service of the workman were extended till 19-2-75 after his initial appointment and reinstatement from time to time due to exigency of work. It is however, denied that the workman worked for 312 days in one calendar year. On behalf of the workman it is contended that after having worked for 240 days in one calendar year he was terminated without any notice and retrenchment compensation under the I. D. Act and without following the provision of section 25G and H. Several new hands were appointed by the bank later to the termination of the workman hence the workman is entitled to reinstatement with full back wages as prayed for. It is also contended on behalf of the workman that said Mr. A. K. Misra was appointed in a clear vacancy and after his termination on 19-2-75 new hands were appointed. The management has denied that the provisions of section 25G or H are attracted under the circumstances of the case and he was appointed for stipulated period on a temporary basis.

4. On the point that the reference is belated there is no provision under the I. D. Act specifying any limitation for sending the reference for adjudication. It is in the wisdom of the government to refer a dispute or not to refer a dispute and reference even if belated despite even if the government think it so proper. Secondly the workman is entitled to bring this case directly without interference of the union through conciliation in a case of dismissal removal or reduction in rank and in all other cases it is the union which sponsors the case of its workman and if the union sponsors the case at the initial stage in R.I.C. and the government refers that union's dispute, it is the union necessary party who is competent, to sign the claim statement and not the workman. Objection on this count is also bad.

5. The management has filed appointment letter dated 21-2-74 which admitted and whereby the workman Shri Ramesh Chandra Shukla was appointed as temporary clerk from 25-2-74 to 24-4-78. In that letter the date of assuming duty was mentioned as 25-2-74 and the basic pay and D.A. was also mentioned. The workman had admitted that he worked from 25-2-74 to 24-4-76 in the management bank for 59 days and thereafter there was a break, though he was again appointed on 29-4-74 for which there was no appointment letter on the record.

5. Similarly in the case of Shri A. K. Misra, the management has filed the appointment letter dated 21-2-74 mentioning that the appointment will be of temporary clerk for two months w.e.f. 25-2-74 to 24-4-74 on the pay indicated. This document is admitted and it is further admitted that the workman worked for 59 days from 25-2-74 to 24-4-74 and there was a break and after break he was again appointed on 29-4-78. It may be mentioned at the very outset that there was no appointment letter for subsequent appointments.

7. It has been argued by Shri Jagat Arora counsel for the management bank that the legislature by adding sub-clause (bb) to the definition of clause sec. 2-B(oo) regarding retrenchment has made clear that the retrenchment will not include the termination of service of the workman as a result of the non renewal of the contract of employment between the employer and workman concerned on its expiry or on such contract being terminated under stipulated in their behalf contained therein.

8. He has argued that this appointment is by way of clarification and has retrospective effect and will apply to all pending cases where as the representative for the workman has argued that all such appointment have to take effect from the date it is incorporated and is to be reckoned as retrospective period that this (bb) was inserted by act 1949 of 1984 w.e.f. 18-8-84. My attention was drawn to the industrial dispute amendment act 1984 to statement of object and reasons. Para 2 sub-clause (i) which lays down as follows :

The amendment proposed in the bill are mainly to clarify certain doubts expressed by courts on the validity of certain provisions of the Act. The bill inter alia, seeks to make the following amendments in the act, namely :—

Difficulties have arisen in the interpretation of the expression "retrenchment. It is proposed to exclude from the definition of retrenchment as contained in the act termination of the service of a workman as a result of the non renewal of the contract of employment on its expiry and of the termination of such contract in accordance with the provisions thereof.

The work itself proposed to exclude from the definition of retrenchment simply hence the legislature in its wisdom wants that contract employment for stipulated period should not be reckoned as retrenchment in future interpretation. It does not speak that it has always been the intention in the legislature that this should have not been included in the expression of retrenchment and had it been itself intention it could have been mentioned that the amendment shall have retrospective effect.

9. It is common ground that the amendment takes effect on the day it comes into force. This it may not apply to the cases adjudicated and closed earlier but it will apply to the pending cases after the date of amendment.

10. The workman filed another appointment letter dated 29-4-74 giving appointment the same day and worked upto 28-6-74. It was also mentioned in this letter that the services of the workman will come to an end on 28-6-74 and this letter was also accepted by the management.

11. But his services were terminated in view of stipulation and that it may be terminated earlier w.e.f. 24-6-76 vide letter dated 20-6-76 which too is admitted and is on the record. The management has further filed original appointment letter dated 21-2-74 whereby the workman was appointed initially on 25-2-74.

12. The workman has filed a certificate issued by the management bank's Kannauj Branch which is dated 12-11-75 alongwith his affidavit's annexure to substantiate para four of the affidavit that the workman worked for a total of 381 days in the management bank from 25-2-74 to 2-4-75. Even excluding the first two spell of appointment totalling 112 days, the work done by the workman in past 12 calendar months counting from 2-4-75 comes to over 210 days.

13. Similarly in the case of Ashok Kumar I. D. No. 106/83, the management has filed first appointment letter dated 21-2-74 whereby Shri A. K. Mishra was appointed as temporary clerk w.e.f. 25-2-74 to 24-4-74. This appointment letter is admitted. Alongwith his first affidavit the workman has filed the banks certificate indicating that he worked for 312 days as mentioned in para 4 of his affidavit. Even if the period of 59 days served by the workman on the basis of appointment given for stipulated period. The workman worked for more than 240 days counting 12 months from 19-2-75.

14. The management witness Shri M. N. Bhatt MW-1 has admitted that he is not certain if the workman P. C. Shukla worked for 381 days during the period February 74 to April 75. However, that stands concluded by certificate given by the management bank annexure (i) of the affidavit of Shri Ramesh Chandra Shukla. Similarly in the case of Shri A. K. Misra the working days stands concluded by certificate given by the management on 6th September, 75 and filed by the workman which is admitted. It is admitted that the management does not maintain any register for retrenchment. He has deposed that they were appointed for temporary increase in work but he is not able to say whether the workman was of permanent nature even if that be so after expiry of 90 days in view of para 20.8 the workman will not become a permanent workman and it is only when he is appointed on that post, the temporary period be reckoned as part of his probationary period. Workman Shri R. C. Shukla has admitted in his cross examination that he received appointment letters on all occasion and it may be mentioned here that all those appointment letters are not on the record and only those filed have been taken into consideration. He has deposed that he worked at several counters and other departments in permanent nature of work. He has deposed that he appeared in test and interview and on that basis he got a appointment letter on 22-2-74. Even if that be so he was given only temporary appointment and not permanent appointment. He

appeared in other test held at Farrukhabad. The workman Shri R. C. Shukla has deposed that he is not gainfully employed anywhere.

15. Similarly workman Shri Ashok Kumar Mishra has stated that he is not gainfully employed any where. He too admits that he got all appointment letters but all are not on record and what ever has been filed has reckoned. It was the duty of the management to have filed the copies of all the appointment letters to show that the period has been excluded for the purposes of retrenchment. As it is admitted that no retrenchment compensation was given no notice or notice pay was given no reemployment was given after the final termination of the two workmen despite the fact that fresh appointments were made, the mandatory provisions of the industrial dispute act incorporated under section 25F G and H have been violated, and the result is that the workmen is entitled to be reinstated with full back wages in his post.

16. It has been argued by the representative for the management that in case reinstatement is allowed that will have far effect from the judgement of the Delhi Tribunal wherein a lump sum compensation may be allowed to the workman in lieu of retrenchment compensation. It is for the management to deal with the workman for the present for non compliance of the law and for no other exonerating circumstances and as a banking industry is a ever growing industry. I see no reason not to grant retrenchment compensation.

17. I, therefore, hold that the management in both the case of Shri Ashok Kumar and Ashok Kumar Mishra was unjust in effecting the termination on the dates specified in their reference order without granting retrenchment compensation and the effect is that they have to be reinstated in service with full back wages. I, therefore, give my award accordingly.

18. My attention was drawn to the ruling S. K. Verma Versus Central Government 80 Lab. JC 1292 S.C. wherein it was observed :

We however emphasis the condition that salary on reinstatement of the workman will be the salary which they were drawing when they were retrenched subject of cross to any revision of scale that might have made meanwhile and the period from the date of retrenchment to the date of reinstatement will not be taken into account for the purposes of reckoning seniority of the workmen amongst temporary employee.

The respondent is free to deal with its employee who are temporary according to law.

19. The management is free to deal with them after reinstatement according to law.

20. I, therefore, give my award accordingly.

21. Let six copies of this award be sent to the Government for its publication.

R. B. SRIVASTAVA, Presiding Officer
[No. L-12012/321/81-D.II (A)]

का. अ. 4067.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूची में केन्द्रीय सरकार, बैंक ऑफ इंडिया के प्रबंधन से सम्बद्ध नियुक्तियों और उनके कार्यकां के बीच, अनुसूची में निविष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, वानपुर के पंचाट को प्रकाशित करता है, जो केन्द्रीय सरकार की 5-8-85 की प्राप्ति हुआ था ।

S.O. 4067.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the Bank of India and their workmen, which was received by the Central Government on the 5th August, 1985.

BEFORE SHRI R. B. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, KANPUR

Industrial Dispute No. 1/1983

In the matter of dispute between :

Miss Kiran Kapoor care of The General Secretary,
Bank of India Staff Union (U. P. Branch), C/o
Bank of India, LIC Building, The Mall, Kanpur.

AND

The Assistant General Manager, Bank of India, 1 Naval
Kishore Road, Lucknow.

APPEARANCES :

Shri V. N. Sekhari representative—for the workman and
Shri Jagat Arora representative—for the management.

AWARD

1. The Central Government, Ministry of Labour, vide its Notification No. L-12012/314/81-D.II (A) dated 29th July, 1982, has referred the following dispute for adjudication :

Whether the action of the management of Bank of India in terminating the services of Miss Kiran Kapoor, Clerk-cum-typist of Hardoi Branch, with effect from 15-2-75 is justified? If not, to what relief the workman is entitled?

2. It is common ground that Miss Kiran Kapoor, was appointed as clerk-cum-typist for a period of two months and her tenure of service in the bank with breaks continued upto 15-2-75 on which date her service were terminated without any reason.

3. It is contended on behalf of the workman that workman worked total 241 days during the span from 13-5-74 to 15-2-75 as is evident from the chart given below :

13-5-74 to 12-7-74
23-7-74 to 24-9-74
16-10-74 to 15-12-74
20-12-74 to 19-01-74
21-01-75 to 15-02-75

4. The above working days have been certificated by the management's letter dated 2-4-75 photostat copy of which was filed by the workman and accepted by the management. It is averred that on the date of termination she was neither given notice or notice pay or retrenchment compensation as she had put in service for more than 240 days, thus the termination would be illegal. That after the termination of his service after 15-2-75 new hands were appointed but she was not given any opportunity and in that way provision of section 25G and H of the I. D. Act read with rule 77 and 78 of the I. D. Central Rules have been violated. Consequently it is prayed that she be reinstated in service with full back wages.

5. The management has raised two preliminary objections firstly that reference is bad in law being belated and that Shri J. C. Theraja Central Secretary of the bank staff union was not competent to sign the statement of claim. It is further averred that Miss Kiran Kapoor worked for less than 240 days as she remained absent from date on 14th August, 74 and on 15-12-74 and again on 15-1-75 which were working days. It is also contended that she did not work on Sundays and holidays her total service in the bank is much less than 240 days and hence there was no question of paying retrenchment compensation. The management has further denied that the provision of section 25H or G are not attracted hence the management has not violated the provision of this sections. In the end it is submitted that Miss Kiran Kapoor was gainfully employed after being ousted from bank and is not entitled for back wages on that count.

5. In the rejoinder, the union on behalf of the workman has averred that there is no limitation for raising the dispute and as a matter of fact the workman in question is running from pillar post of redressor of her grievances. It is true that there is no limitation for raising the dispute and also

no limitation prescribed under the industrial dispute act and industrial dispute has been raised it is for the government to refer or not to refer a dispute hence it has been referred the wisdom of the government can not be questioned as to why that has been made. The contention of the management is therefore, repelled on that account and it is held that reference is not bad in law.

7. The documents on record show that it was the union which raised the case before conciliation which ended in failure and consequently the government referred the dispute to the Tribunal for adjudication and intimated the General Secretary of Bank of India Staff Union for information. Thus General Secretary of the Union who was fully conversant with the case of the workman rightly filed the claim statement under his signatures. The objection of the management is also repelled on this count also.

8. The question of advertisement, test and interview are insignificant in view of the appointment letter filed by the management and is admitted by the workman which is Ext. WM-1. This letter clearly shows that the workman was appointed temporary clerk-cum-typist w.e.f. 13th May, 79 on basic pay of Rs. 190 plus D.A. It was also mentioned in the appointment letter that the workman will not be entitled to any benefit or leave except holidays and she will cease to be in bank's service on 12-7-74. After final termination on 15-2-75 another person was appointed namely Shri S. K. Srivastava, again on temporary basis. It is further averred in the rejoinder that after the termination of Miss Kiran Kapoor on 15-2-75 from 16-2-75 another person was appointed and thus paras 595, 522 of Sastri Award and 20.7 and 20.8 of the bipartite settlement have been violated. On the vacancy caused by termination of workman Shri S. K. Srivastava was appointed which is violating the provision of section 25F of the I. D. Act. It is contended that the workman was present in the bank on 14-8-74 and 15-1-75. In the end it is averred that the workman is not gainfully employed any where.

9. On behalf of the management Shri M. N. Bhatt appeared in the witness box and finally his evidence by affidavit dated 3-3-84. He has admitted that Miss Kiran Kapoor was not given notice or notice pay or retrenchment compensation, that no service record was maintained nor any register of temporary employees was maintained except attendance register of the employee. He is not able to say if Shri S. K. Srivastava appointed after termination of the workman is still working and has been confirmed in the service of the bank. He further could not said that after termination of the workman other persons suggested to him were appointed as temporary hands. He has admitted that Shop and Commercial Act is applicable to the bank and no leave or casual leave was given to the workman as she was not entitled for it. When confronted that the leave application filed by the workman he stated that he was not able to tell if these were the applications filed and sanctioned for 14-5-74 and 15-1-75 but looking to the attendance register he stated that she was absent on 14-8-74 and 15-1-75. He has deposed that the lady was paid for the holidays, Sundays but not for 9 days she was absent. The leave of 14-8-74 is marked in the attendance register as A and in the remark column it is written as leave without pay for one day i.e. for 14-8-74 and similarly for 15-1-75 no attendance is marked on the application for the said date, it is written that no pay and no allowance was to be given. He has admitted that the workman was appointed to clear off the increased work but was not able to say that increased work was of a permanent nature. He has however, admitted that the work of clerk-cum-typist is still existing as continuous work in the banking industry.

10. On the other hand Miss. Kiran Kapoor workman which work includes working lady also appeared in the witness box. In her affidavit she has stated that she did not remain absent from duty on the three dates alleged as for 14-8-74, 15-1-75, she applied for leave for one day which she was medically entitled to be granted and was paid for those days and those days can not be treated as break or absent or without break. She has further averred that she had gone to the bank on 20-1-75 but was treated on leave and given work from 21-1-75 and she was arbitrarily terminated from 15-2-75 without giving any termination letter.

11. It has come in evidence and as is evident from the bank's attendance register that 15-12-74 was Sunday and

on other two dates i.e. 14-8-74 and 15-1-75 Miss Kiran Kapoor was on casual leave and one of the application filed by the working lady. It is noted on the same that she will not entitled for that day i.e. 15-1-75 but no such endorsement is there in the attendance register. It does not bear the signature of the officer giving no pay and no allowance. For 14-8-74 there is no endorsement on the application but in the attendance register it is mentioned that leave will be without pay. Despite endorsement in the attendance register as well as in the casual leave application workman Miss Kiran Kapoor filed affidavit that she was paid for those casual leave on 14-8-74 and 15-1-75. It was duty of the management to direct her at the time of cross examination that she was not paid for those days. Though when asked in cross examination she stated that she did not know if she was paid salary for those days or not. The burden lay on the management in view of the affidavit and the preliminary evidence that the payments issued should have been filed and proved by the management to substantiate its stand which has not been done in the instant case. The mere fact that casual leave was granted to the workman shows that casual leave was admissible to temporary employees and what was excepted in appointment letter Ext. MW-1 was leave which is admissible to the permanent employees i.e. privilege leave etc. If casual leave was admissible to the workman under para 13.28 she was entitled to pay and allowance as if she was on duty and it was on that count that as alleged by her in her affidavit she was paid for those days and which could not be directed by the management by production of pay sheets. Thus those two days being working days for the lady. The certificate issued by the management dated 2-4-75 and admitted by the management stands substantiated and thus she has put in 241 days work in 12 calendar months and as admittedly no retrenchment compensation was given to her she will be entitled to retrenchment compensation and notice pay. In view of law of retrenchment as laid down in case law *Sunder Mony* and others the termination in the absence of retrenchment compensation and non compliance of section 25F of the I. D. Act the termination became void abinitio and the result is that she will be entitled to be reinstated in service with full back wages.

12. On behalf of the management it was urged that Miss Kiran Kapoor having not worked continuously for 240 days in one calendar year and there being breaks she will be entitled to benefit of continuous service if only she proves that she had actually worked for 240 days. It is in view of section 25B (2). It is contended that on holidays and Sundays she did not work and excluding holidays and Sundays the working days comes less than 240 days and hence she would not entitle for reinstatement with full back wages. In support of its contention reference referred before me *A Parthasarthi Versus Management Standard Motors Products of India Limited* and another ILR 1979(2) page 264 Madras wherein it was held :

The words actually worked would not include even holidays much less Saturdays and Sundays for which full wages are paid. The words days worked itself would normally mean days actually worked. The legislature as it to give emphasis has also added the word actually. There could therefore be no scope for argument that paid holidays are to be included in actually worked. The explanation to Sec. 25B has included in this actually worked days certain decided actual working days certain days which are provided in the explanation could be included in calculating 240 days in addition to the actual working days. The meaning of words actually worked can not be enlarged beyond what is contained in the explanation.

13. In *Lallappa Lingappa and others Vs. Laxmi Vishnu Textile Mills Sholapur, S.C. I LLJ page 308* wherein it was held :

The High Court was right in holding that the permanent employees were not entitled to payment of gratuity for the years they remained absent without leave and had actually worked for less than 240 days in a year.

14. Thus the workman having not completed 240 days in a year was not entitle to retrenchment compensation and consequently her termination for non payments of ret-

renchment compensation would not be legally and invalid. However, there in yet another section 522(5) of the *Sastri Award* wherein it is laid down that there should have been a termination letter and in the case of temporary employee and in view of sub para (4) of 522, 14 days notice or notice pay should have been given.

15. Now coming to the point of section 25G and H of the I. D. Act, it has been argued by the representative of Miss Kiran Kapoor that her termination on 15-2-75 one *Shri Anil Kumar* continued to work being junior to her when she was retrenched from the bank and that after her termination *Shri P. K. Tewari* etc. *Harish Kumar Padmakar* etc., were given appointment. She was not cross examined on the point but the attendance register does not show *Anil Srivastava* as workman allowed to continued to work. As a matter of fact there was no *Anil Kumar Srivastava* employee in the bank as per attendance register. One *Shri S. K. Srivastava* who continued from before her appointment was also terminated on the very date she was terminated but reappointed from 24-2-75. The attendance registers shows that *Shri P. K. Tewari*, *Harsh Kumar* and *Padmakar* were appointed in the month of April 75 and later on *Padmakar* and *Y. N. Gupta* were appointed in July 75. In view of this her ascertain becomes correct and she should have been given reappointment in view of section 25H of the I. D. Act. As held in the case of *B.I.C. Vs. Labour Court* :

Retrenchment of chowkidar-reorganisation of business-appointment of new chowkidars-without offering opportunity to retrenched workman for reemployment—held that employer contravened mandatory requirement section 6Q of U.P. I. D. Act (sec. 25 of I. D. Act), retrenchment not bonafide-workman entitled to reinstatement.

16. Thus there is violation of section 25H and not 25G as alleged.

17. The management has not filed any of the appointment letters except the first appointment letter Ext. WM-1. Miss Kiran Kapoor has admitted that she used to get appointment letter for specific period mentioned therein but she did not get any appointment letter for the appointment given for 21-1-75 to 15-2-75.

18. Even if the contention of the management is allowed that those period for which there was specific appointment letter for a specific period mentioned it would not be retrenchment in view of amended definition of retrenchment and addition of (BB) in section 2(oo) which lays down as follows :

Termination of service of workman as result of non renewal of contract of employment between the employer and workman concerned on its expiry or such contract being terminated in stipulated in that behalf contained therein shall not be included in definition of retrenchment.

Even if the last spell from 21-1-75 to 15-2-75 being without appointment letter and sudden termination would amount to retrenchment and section 25G would apply.

19. Thus in view of the non compliance 25G the termination of the workman would be malafide and also on account of the fact that she was not given 14 days notice before her termination. The result is that the termination would be illegal and the workman would be entitled to be reinstatement with full back wages.

20. I accordingly hold that the action of the management bank *M/s. Bank of India*, in terminating the services of Miss Kiran Kapoor w.e.f. 15-2-75 is not justified and she is entitled to be reinstated in services with full back wages.

21. I, therefore, give my award accordingly.

22. Let six copies of this Award be sent to the government of publication.

Dated : 29th July, 1985.

R. B. SRIVASTAVA, Presiding Officer
[No. L-12012/314/81-D.II (A)]

का. आ. 4068.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में केन्द्रीय सरकार, स्टेट बैंक ऑफ मयसूर के प्रबंधन से सम्बन्धित विवादों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार की 6-8-85 को प्राप्त हुआ था।

S.O. 4068.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the State Bank of Mysore and their workmen which was received by the Central Government on the 6th August, 1985.

BEFORE THE INDUSTRIAL TRIBUNAL IN KARNATAKA, BANGALORE

Dated this the 30th day of July, 1985

PRESENT

Sri R. Ramakrishna, B.A., B.L., Presiding Officer
Central Reference No. 10 of 1980

I PARTY

Shri H. L. Prabhakara, No. 2006, SLN Street, Fort
Holenarasipur, Hassan District.

Vs.

II PARTY

The Chairman & Managing Director, State Bank of
Mysore, H. O. Bangalore-9.

APPEARANCES :

For the I Party—None present.
For the II Party—Sri

REFERENCE :

(Government Order No. L-12012/103/79-D. II(A)
dated 15-11-1980).

AWARD

The Central Government in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, shortly called Act, has referred the above dispute to this Tribunal for adjudication as per the Schedule hereunder :—

SCHEDULE

"Whether the action of the management of State Bank of Mysore, Bangalore in discharging Shri H. L. Prabhakara, Cashier from their services with effect from 12th August 1976 is justified? If not, to what relief the said workman is entitled?"

2. The I Party workman being represented by an advocate has filed his claim statement on 7-3-1981. He has contended in his statement that he had put in 15 years of service and on 7-1-1976 the II Party served a show cause notice on some alleged misconduct purported to be under 19.5(c) and 19.5(e) of the I Bipartite Settlement. He has given his explanation on 13-1-76 pleading the reason for losing his temper and requested for pardon thinking that the matter would be dropped but the II Party dissatisfied with the explanation and issued a charge sheet on 11-6-76. He has further contended that the enquiry he has accepted his guilt and gave his statement explaining the circumstances which had prompted him to lose his temper. The II Party having instituted the enquiry without proving the charges independently on the basis of acceptance of the guilt by him the Enquiry Officer submitted a report stating as "the extending circumstances explained and the assurance given against the recurrence may be considered before awarding punishment". The II Party without considering the recommendation made by the Enquiry Officer has passed an order of discharge on 21-7-1976 invoking the clause 19.6(e) against which the I Party preferred an appeal to the Deputy General Manager which was rejected and also a special appeal was preferred in that regard.

3. The I Party further submitted that there was no question of even conducting an enquiry when he had already submitted that he had shouted under certain special circumstances but unfortunately the II Party has failed to take the above facts into consideration and the recommendation of the Enquiry Officer also not taken into consideration, therefore the decision of the II Party was perverse. He has further contended that the charges levelled against him do not constitute the gross misconduct contemplated under 19.5 of the Bipartite Settlement. That being so, the Punishing Authority not being justified in construing the alleged misconduct and he is also not justified in not considering the past service records of the I Party while awarding the punishment nor it was the misconduct in the past was a charge in the instant enquiry. He has further contended that taking advantage of the emergency period and the helplessness of the I Party the order of discharge was passed which is highly disproportionate to the charge levelled. The II Party ought to have considered the difficulty of the I Party in getting employment elsewhere at the age of 34 years and hence his discharge is against the spirit of the Bipartite Settlement and hence this Hon'ble Tribunal may be pleased to pass an award holding that the discharge of the I Party is illegal and he is entitled to be re-instated in service with continuity of service and back wages.

4. The II Party have contended in their counter statement since the explanation given by the I Party was not acceptable the enquiry was instituted where he has pleaded guilty. It is further contended that the I Party on his own admission given reasons for his provocation which is a misbehaviour before the public and he is not a fit person to hold that post which demands certain amount of discipline. It is further contended that the I Party has flatly refused to attend to the customers of the Bank during the business hours and these he deliberately committed an Act of gross misbehaviour and therefore clause 19(c) was attracted.

5. It is further contended in the enquiry the I Party in a clear unambiguous words has admitted the guilt and when there is such an admission the question of proving the charges by the II Party does not arise. It is further contended that the II Party for the right reasons after considering all aspects of the matter and the past conduct of the I Party and in order to maintain proper discipline in the Banking Institution has rightly passed the order of discharge invoking the clause 19.6(c). The disciplinary authority passed the order of discharge after considering carefully the report of the Enquiry Officer, hence it is not a perverse order and it is in accordance with the law and spirit of Bipartite Settlement. It is further contended that the I Party has pleaded some circumstances for him to act are all irrelevant, once a charge is proved and there was no compelling reasons to take any other decision than the decision taken by the II Party. Hence they prayed for the rejection of the reference.

6. On the basis of the above pleadings, my learned predecessor has framed the following issues :—

- (1) Whether the domestic enquiry is in accordance with the principles of natural justice?
- (2) Whether the punishment was just and proper?
- (3) What order?

7. Findings :

Issue No. 1—Affirmative.

Issue No. 2—Affirmative.

Issue No. 3—As per order below

8. Reasons :

After framing of the issues on 1-6-1982 the case was successfully adjourned from time to time and the order sheet discloses that both the parties remained absent hence 5-4-84 this Tribunal has issued fresh notices to both the parties to appear and make progress in the case. On 16-4-84 the I Party even after service of the notice has remained absent throughout and the advocates who have filed vakalatnams have also remained absent and since the burden of proving the discharge was placed on the II Party they have been asked to adduce evidence and accordingly they have examined the Enquiry Officer with regard to the validity of domestic enquiry. Since the I Party remained absent to make cross-examination or to lead his evidence it was closed on 22-6-85 and thereafter three adjournments were given with a hope that the I Party

will appear and co-operate in the progress of the case to enable this Tribunal to pass a considered order on the merits of the dispute. Since the I Party has not made any appearance the evidence on his behalf has been closed and the counsel for the II Party has addressed the arguments.

9. Issue No. 1.—With regard to the validity of domestic enquiry, the enquiry officer who is working as a Development Manager gave evidence that during 1976 he has been asked by the State Bank of Mysore to conduct a domestic enquiry as per the letter Ext. M-1 and the I Party has appeared before him and gave a letter to engage one Mr. Jaganathan on his behalf as per Ext. M-2 and he has been permitted for the same. He has further deposed the enquiry was commenced on 23-6-76 and on that day he read over the charge sheet Ext. M-3 and also asked the delinquent whether he has received the same then the delinquent has pleaded guilty which he has recorded in the proceedings. He has further deposed that after pleading guilty, the delinquent wanted to make a statement and accordingly the enquiry officer has allowed him to make a statement and obtained the signatures of delinquent and his representative to the proceedings. He has further deposed that after concluding the enquiry he has submitted his report after two days as per Ext. M-5.

10. On a perusal of the evidence of this witness and placing reliance on the enquiry papers, it is seen that all possible opportunity was given to the I Party workman and since he has pleaded guilty the enquiry officer proceeded to make his report. Hence I hold this issue in the affirmative.

11. Issue No. 2.—With regard to this issue the learned counsel for the II Party has submitted that the punishment awarded to the I Party workman is in accordance with clause 19.6 of Bipartite Settlement wherein the employee who found guilty of gross misconduct is liable to be punished in accordance with sub-clauses (a) to (e) and hence he has been discharged from service as the misconduct committed by the I Party workman amounted to gross misconduct under clause 19.5(c) of the said settlement. Though there is some force in the submission of the learned counsel that on a perusal of the statement given by the I Party workman coupled with his explanation offered before starting of the enquiry, the II Party should have passed the punishment shown in sub-clauses (b) to (d) of Clause 19.6. Since the I Party has failed to place any material before this Tribunal that one of the modes of punishment shown in sub-clauses (b) to (d) would have met the ends of justice I am compelled to hold that the punishment now awarded to the I Party workman is just and proper, hence I make the following award —

AWARD

The action of the management of State Bank of Mysore, Bangalore in discharging Shri H. L. Prabhakara, Cashier from their services with effect from 12th August 1975 is justified. The parties shall bear their own costs.

(Dictated to the Stenographer, transcribed and typed by him and corrected by me).

R. RAMAKRISHNA, Presiding Officer
[No. I-12012/103/79-D, II(A)]
N. K. VERMA, Desk Officer

नई दिल्ली, 12 अगस्त, 1985

का. आ. 4069.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रांग 17 के अनुसरण में, केन्द्रीय सरकार, मिट्टी बैंक एन. ए. नई दिल्ली के प्रबंधन में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के प्रांग को प्रकाशित करती है, जो केन्द्रीय सरकार को 5 अगस्त 1985 को प्राप्त हुआ था।

New Delhi, the 12th August, 1985

S.O. 4069.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government In-

dustrial Tribunal, New Delhi as shown in the Annexure in the industrial dispute between the employers in relation to the Citibank N. A., New Delhi and their workmen, which was received by the Central Government on 5th August, 1985.

BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER :
CENTRAL GOVT. INDUSTRIAL TRIBUNAL,
NEW DELHI
I.D. No. 132/80

In the matter of dispute between

Workmen through

The General Secretary,

First National City Bank Staff Association (Regd.),

3, Sansad Marg, New Delhi-110001.

Versus

The Management of Citi Bank Ltd.,

3, Sansad Marg, New Delhi-110001.

APPEARANCES :

Shri J. K. Mehra for the Management

Shri A. N. Tewari, Asstt. Secretary of the First National City Bank Staff Association for the workmen.

AWARD

Central Government, Ministry of Labour vide Order No. L-12011/13/80-D.I.A dated 28-11-80 made reference of the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Citi Bank, N.A. New Delhi in modifying the terms and conditions for the purpose of grant of housing loan to employees of the Bank is justified. If not, to what relief are the workmen concerned entitled ?"

2. The First National Citi Bank Staff Association claimed that the Management agreed with the workmen to sanction loan equivalent to 25 per cent of the gross salary including all benefits and to charge 2 per cent interest on housing loans to its employees but that in 1977 it unilaterally and arbitrarily changed the formula of eligibility of Housing Loan from 25 per cent to 29 per cent by excluding Bonus ex-gratia payment, CDS amount, Provident Fund, Income Tax amount repayment of festival advance etc. at the time of calculating housing loan eligibility. They wanted that the orders of 1977 be quashed and the condition for granting housing loan should remain 25 per cent of the gross emoluments as before.

3. The Management of the Citi Bank contested the claim and asserted that the dispute referred to did not amount to an 'Industrial Dispute' and the Tribunal has no jurisdiction and that the claim made was not tenable as it does not arise under any Award, Settlement or Chapter V A of the I.D. Act or any schedule thereunder.

4. Policy relating to granting housing loan the quantum thereof was said to be one within the discretion of the Management and no employee could compel the Management to grant a housing loan as a matter of right and changes could be made in the housing loan policy and its quantum as the situation required.

5. The matter was put up for evidence and it was at the stage of arguments but today Shri A. N. Tewari Asstt. Secretary of the Union of employees stated that the Management had already increased the eligibility to 30 per cent of emoluments recently and for this reason the employees did not want to proceed with the reference.

6. Shri J. K. Mehra for the Management stated that the Management adhered to its objections to the reference and did not admit liability to grant of housing loan or its quantum on any obligatory basis.

7. In view of the fact that the workmen have withdrawn the claim, there is no necessity to investigate either the claim or the objections of the Management to the tenability of the claim or its being an 'Industrial Dispute' and, therefore, a 'No Dispute' Award is made.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.

July 31, 1985.

O. P. SINGLA, Presiding Officer
[No. L-12011/13/80-D.II(A)/D.IV(A)]

का. आ. 4070.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) के धारा 17 के अनुसरण में, केन्द्रिय सरकार, परादप पोर्ट ट्रस्ट के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, ओडिशा के पंचाट को प्रकाशित करने है, जो केन्द्रिय सरकार को 5 अगस्त को प्राप्त हुआ था।

S.O. 4070.—In pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Orissa, as shown in the Annexure in the industrial dispute between the employers in relation to the Paradip Port Trust and their workmen, which was received by the Central Government on the 5th August, 1985.

INDUSTRIAL TRIBUNAL, BHUBANESWAR

PRESENT :

Shri K. C. Rath, B.L., Presiding Officer, Industrial Tribunal, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 5 OF 1985 (Central)

Dated Bhubaneswar, the 25th July, 1985

BETWEEN

The Management of Paradip Port Trust, Paradip. First party.

AND

Their workmen —Second-party

APPEARANCES :

None—for the first-party

None—for the second-party.

AWARD

Dispute referred to by the Central Government for adjudication under Clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, vide Notification No. L-38012/1/84/D-IV(A) dated 27-4-1985 of the Ministry of Labour reads thus :

"Whether the action of the management of Paradip Port Trust, P.O. Paradip Dist. Cuttack in dismissing Sh. Sudhakar Mantry, Overseer (Mechanical) Stores Division of Electrical and Mechanical Deptt. with effect from 23-11-82 is justified. If not, to what relief the workman is entitled ?"

2. Today on 25-7-1985, both the parties remained absent and did not take any steps despite notice. I am, therefore, inclined to think that there is no dispute between the parties at present to be adjudicated by this Tribunal. Hence I pass this no-dispute Award.

K. C. RATH, Presiding Officer.

[No. L-38012/1/84-D.IV(A)]

K. J. DYVA PRASAD, Desk Officer.

नई दिल्ली, 20 अगस्त, 1985

का.आ. 4071.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सिटी बैंक, एन.ए., नई दिल्ली, के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करने है, जो केन्द्रीय सरकार को 7 अगस्त 1985 को प्राप्त हुआ था।

New Delhi, the 20th August, 1985

S.O. 4071.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi, as shown in the Annexure, in the industrial dispute between the employers in relation to the Citibank N.A., New Delhi, and their workmen, which was received by the Central Government on the 7th August, 1985.

BEFORE SHRI O.P. SINGLA, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. NO. 17/80

In the matter of dispute between:

Workmen of Citibank N.A. represented by First
National City Bank Staff Association, New Delhi.
Vs.

The Management, Citybank N.A. New Delhi.

APPEARANCES:

Shri J.K. Mehra for the Management.

Shri S.K. Bisaria Advocate for the workmen.

AWARD

Central Government, Ministry of Labour on 8-4-1980 vide Order No. L-12011/117/78-D. II. A made reference of the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Citi Bank N.A. New Delhi in not giving chance to Shri C. Dutta and Shri Ashok Kapoor to officiate in the posts of Special Assistant/Head Clerk and special Assistant Since January 1977 and January 1, 1978 respectively is justified. If not, to what relief are the workmen concerned entitled ?"

2. The workman's case is that the established practice and policy based on mutual understanding with the City bank Management was that in case of leave vacancy the senior most person of department was to get officiating allowance if the Special Assistant/Head Clerk of his/her department goes on leave but that policy and established practice was not followed and Mr. C. Dutta and Ashok Kapoor were not given the chance to officiate in the post of Special Assistant/Head Clerk and Special Assistant since January 77 and January, 1978 respectively. It is contended by the workmen that the preference shown in place of these workmen to Shri Ashok Bhasin and P.K. Khora by giving them chance to officiate as Special Assistant rather than Mr. C. Dutta and Mr. Ashok Kapoor was illegal and unjustified.

3. The Management of Citi Bank contested the claim and asserted that there was no settlement or established policy as alleged by the workman and that assignment of functions of an allowance carrying duty was a Management function and was not curbed or affected by any settlement or agreement to the contrary and that even in the Minutes of meeting no agreement or settlement was recorded and that no malafides are alleged against the Management and it is not a case of victimisation for any Trade Union activity and no promotion involved in the case and the approach of the bank was a reasonable one and the matter was decided as and when occasion arose in the interest of the bank and the customers and the decision was taken that the Branch Incharge took permission of S.B.O.O. sometime orally for making necessary arrangement of assigning Officiating duties.

4. The Management filed the affidavits of Shri Rajeshwar Kumar and Shri Sandeep Lal and the workmen filed the affidavit of Shri K.L. Malhotra and Rajeshwar Kumar and K.L. Malhotra have been cross-examined by the opposite party.

5. The issues settled in this case were:

(i) Whether the dispute referred qualifies to be Industrial Dispute?

(ii) Whether the dispute has been properly espoused?

(iii) As in terms of reference.

6. First two issues were not pressed seriously and one witness whose affidavit was filed in respect of issue No. 2 had not been made available by the Management for cross-examination. The matter of espousal is decided against the Management and the claim is filed by the registered Association of the workmen of the bank.

7. The matter relates to an officiating chance in allowance carrying position. This relates to the conditions of service of the workmen whether it amounts to a promotion or not and there could be hardly any doubt that this raises an industrial Dispute.

8. I am of the clear opinion that the matter is covered by the Settlement between the parties which is recorded in the Minutes of the meeting with F.N.C.B. Staff Association Executive Committee on March 22, 1973 wherein Mr. L. S. Noncari, G. M., Mr. J.N. Menezes, PN and Mr. Viney Sawhney. As were present for the Management, Mr. K.L. Malhotra, Mr. B.D. Seth, Mr. N.K. Khara, Mr. P. Balasubramanian, Mr. S.C. Gupta, Mr. I.N. Nigam and Mr. C.P. Kapur were present for the workmen.

9. Para 15 of the Minutes, required to be extracted and is as under:

"(15) OFFICIATING ALLOWANCE POSITIONS—CLERICAL AND OFFICIAL

Mr. Malhotra reiterated that the senior most person in the department should be paid officiating allowance as far as possible so that the employee concerned was able to benefit. He emphasized that the senior most employees in the same department should officiate in case the officer was on leave and he be paid the officiating allowance as per the Bipartite. Mr. Noncari stated that as far as the clerical positions were concerned it was his understanding that the same practice was being follow in New Delhi but in case of official positions the employee would become eligible for officiating allowance only if he strictly performed officiating functions. According to him no employee could automatically claim allowance for his officer who was on leave."

10. The Management clearly accepted that they could not agree to Officer position on officiating basis being given strictly on seniority basis but that in the case of clerical cadre the officiating allowance post was being given on basis of seniority alone as per practice at New Delhi.

11. The aforesaid position is also eminently reasonable. The Management may not be able to offer the Officer's post automatically to the senior most in the clerical cadre but there is no reason why ordinarily the seniormost person should not be given officiating chance whenever the senior most clerk in allowance carrying position is on leave or otherwise absent.

12. The workman alleged favouritism and pick and choose in deviation from the practice. Such things are difficult to prove but the deviation from the settled policy and practice admitted by the Management to be established at Delhi in the matter of Officiating promotion of clerical cadre is indefensible and the workmen ignored have not been shown to be incapable or inefficient in doing the work that was required to be done in the officiating allowance carrying position available.

13. I hold that the Management's alleged right to pick and choose anyone for allowance carrying position in leave vacancy or on short term in the clerical cadre is not acceptable and except for good reason the Management's own policy at Delhi had been even before 1973 to give the officiating chance of allowance carrying position to the senior most in the clerical cadre there. The deviation made against Mr. C. Dutt and Ashok Kapoor complained of by the workmen cannot be defended and the action of the Management is indefensible. The Management is required to compensate these persons for the loss of the officiating chance and is further directed to follow the policy of giving the allowance carrying position in the clerical cadre to the senior-most person when the Special Asst./Head Clerk concerned goes on leave or is otherwise absent. The Manage-

ment shall pay Rs. 500/- as costs of these proceedings to the workmen.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.

O.P. SINGLA, Presiding Officer
[No. L-12011/117/78-D. II (A)] [D. IV (A)]

का अ. 4072—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मिट्टी बैंक, एन ए., नई दिल्ली, के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7 अगस्त, 1985 को प्राप्त हुआ था।

S.O. 4072.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi, as shown in the Annexure, in the industrial dispute between the employers in relation to the Citi bank N.A., New Delhi, and their workmen which was received by the Central Government on the 7th August, 1985.

**BEFORE SHRI O. P. SINGLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL.**

NEW DELHI

I.D. No. 87/81

In the matter of dispute between

Workmen through First National City Bank Staff Association, New Delhi.

Versus

The Management of Citi Bank N.A., New Delhi

APPEARANCES :

Shri S. K. Bisaria—for the workmen.

Shri J. K. Mehra Advocate—for the Management.

AWARD

Central Government, Ministry of Labour on 10-7-81 vide Order No L-12011/107/78-D.IIA made reference of the following dispute to this Tribunal for adjudication :

"Whether the management of the Citi Bank N.A. is justified in getting the work of collateral inspections done by an outside agency on contract basis depriving the workman staff of monetary benefits which they were receiving from the very beginning? If not, to what relief the workmen are entitled?"

2. The First National City Bank Staff Association, New Delhi filed statement of claim asserting that S/Shri K. L. Malhotra, V. P. Malik, T. R. Walia, Surinder Mohan and S. S. Nanda worked as Senior Special Assistants/Credit Investigators. They represented to the Association that the job of Collateral Inspection, which they had been doing earlier and for which they had been specially trained had been unilaterally transferred by the Management to an Outside Agency on Contract Basis. The Association's case is that this was the proper work of Sr. Special Assistant/Credit Investigators and they were being paid Rs. 75 per day as incidental charges over and above actual expenses incurred for such work when the Inspection was done in outside City. The Management in October, 77 changed its policy and shifted the work of scrutiny and verification of collateral securities to an outside Agency on contract basis illegally depriving Senior Special Assistants/Credit Investigators of the monetary benefits enjoyed by them earlier and putting undue burden on public money by shifting responsibility from Competent and trained personnel belonging to the Bank to incompetent and inexperienced outside agency in their own selfish interest. They requested that the Tribunal may direct the Management to withdraw the work of collateral

security from outside Agency and give it back to Sr. Special Assistants/Credit Investigators of the Bank as per previous practice of the Bank.

3. The Management Citi Bank contested the claim and asserted that the dispute had not been properly espoused by substantial number of workmen and that the dispute was without merit because it was not condition of service which had been changed and there was no legal right of the workmen which has been infringed. It was Management function to see how they could protect Banks interest and ensure that the securities offered by the debtors to secure the facilities were adequate. The Management contested the claim that there was financial loss to any workman it could not be that Rs. 75/- were being pocketed by them without incurring any expenses at outside Stations. The Management's case is that the Bank considered it advisable that instead of its own staff doing collateral inspection of the securities and the credit worthiness etc. of its customers, the same should be got done by an independent professional agency for better and objective appreciation of the position with a view to obtain independent assessment of the market value of securities and the customers' credit worthiness apart from what the bank obtained from its own employees, a leading firm of Chartered Accountants in the country had been engaged to perform the function.

4. The following issues were settled in the case.

1. Whether the dispute is properly espoused?
2. Whether the dispute is an industrial dispute?
3. As in terms of reference.

5. The evidence led by the parties have been recorded and arguments of the parties have been perused.

6. I am of the clear opinion that the claim made by the workmen is misconceived and it is the Management function to and that to check the creditworthiness of these to whom credit facilities are given and if the Management chooses to have an Independent Agency to examine the Collateral Security and creditworthiness of its customers, the workmen can lay no claim to contest the same. The Management's right to take an objective view of the customers credit worthiness by engaging professional Chartered Accountant Firm for the purpose cannot be objected to on any rational basis and simply because some workmen got some monetary benefit while being on tour for this purpose earlier does not make the action of the Management illegal or improper. In any case the workmen had no right to object to the Management's exercise of its powers in the matter of assessment of the creditworthiness of the customers and the sufficiency or other wise of the Collateral securities furnished by the customers. It is the subjective judgement of the Management as to which Agency will perform that function more efficiently whether its own workmen outside Agency and the Industrial Tribunal cannot force the Citi Bank and insist that that function should be done only by its own employees and not by an outside Agency. In the result, the action of the Management is held valid, which calls for no interference and is justified and the grievance of the workmen is fictitious and unfounded. Award is made accordingly.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.

July 31, 1985.

O. P. SINGLA, Presiding Officer
[No. L-12011/107/78-D. II(A)D.IV(A)]
K. J. DYVA PRASAD, Desk Officer

नई दिल्ली, 13 अगस्त, 1985

का. आ. 4073.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वयेण से, केन्द्रीय सरकार श्रम एम्. एस. टोगर व्यास, सतलुज लिंक प्रोजेक्ट के कर्मकार द्वारा धारा 33-A के तहत एक शिकायत पर, विवाद में, केन्द्रीय सरकार औद्योगिक अधिनियम, 1947 के अन्वयेण विवाद को प्रकाशित करता है, जो केन्द्रीय सरकार को 31 जुलाई, 1985 को प्राप्त हुआ था।

New Delhi, the 13th August, 1985

S.O. 4073.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh, as shown in the Annexure in respect of a complaint under section 33A of the said Act, filed by Shri M. S. Togger, a workman of Beas Sutlej Link Project, Sundernagar which was received by the Central Government on the 31st July, 1985.

BEFORE SHRI I. P. VASISHTH, PRESIDING OFFICER,
CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL
CHANDIGARH

No. 19/84.

Complaint Under Section
33-A of the Industrial
Disputes Act 1947.

PARTIES:

Employers in relation to the Management of BBMB/
General Manager BCB and BSL Project through
its Chairman.

AND

Their Workman: M. S. Togger.

APPEARANCES:

For the Employers: Shri Narinder Singh with Shri N. D.
Kakra.

For the petitioner: Petitioner in person.
Industry: B. S. L. Project STATE H.P.

AWARD

Dated the 23rd of July, 1985

I am seized of a formal complaint under Section 33-A of the Industrial Disputes Act 1947 brought by the petitioner Workman against his Employers arrayed as respondents, mentioned above.

2. Brief facts of the case, according to the petitioner workman, are that he was serving as a Chargeman Special with token No. 1841-A under the Respdts in their Project at Sundernagar; that for quite some time he was actively engaged in Trade Union activities to the discomfiture of the Management who often indulged in unfair labour practice. Since the petitioner was a dedicated Union activist, who had no opportunity in exposing their misdeeds and also pursued the cases of his co-workers before the various forums like Courts and Tribunals envisaged under Act, therefore, the management was unhappy with him and was always eager to steal an opportunity to get him to size. It was complained that with a view to get rid of the petitioner, the Management served him with retrenchment notice time bound to expire on 15-1-1984, despite the fact that a large number of his juniors who had been served with similar notices in the year 1981, were being retained in service on withdrawal of the notices. He, therefore, prayed for appropriate relief including a direction to the Management to stay the implementation of the impugned retrenchment notice.

3. Resisting the proceedings on all counts, the Management refuted the charge of victimising the petitioner or any of his co-workers. Similarly, it was vehemently denied that they ever indulged in any unfair Labour practice or discriminatory treatment amongst the employees. Although, the maintainability of the proceedings was questioned on many legal technicalities, including the Tribunal's jurisdiction to adjudicate upon the dispute within the limited scope of Section 33-A of the Act *ibid*, yet the burden of their defence was that, the project itself was nearing completion and so they were retrenching the bulk of their employees as surplus. Elaborating their version, the management denied that any of the petitioner's junior was retained in service; they rather, asserted that the principle of "Last come first go" was strictly adhered to and that the retrenched employees were paid all the terminal benefits.

4. In support of his case the petitioner examined himself whereas the management produced their X.E.N. Personnel Shri Narinder Singh as MW1 and Personnel Officer Shri B. M. Salwan MW2.

5. On a careful scrutiny of the entire material on record and hearing the parties, I am inclined to reject the complaint on the short and shrift ground that it has since been infructuous. To be precise, in his own deposition before the Tribunal the petitioner conceded that the process of retrenchment has since been completed and so much so that even his retrenchment compensation has also been paid. Similarly the statement of Shri Narinder Singh that all the surplus staff, including the petitioner, had been disengaged on 30-3-1984 was allowed to go unchallenged. As a matter of fact, the version projected by Sarvshri Narinder Singh and Salwan finds an echo of credibility in the petitioner's own cross-examination that the entire lot of workers pertaining to his Category have already been retrenched. To put it in plain words there was no discrimination in the matter of retrenchment which in its turn was necessitated by the completion of the Project.

6. In my considered opinion, against the aforesaid backdrop it will be nothing short of an exercise in futility to attribute any malice to the Respondent-management in disengaging the petitioner particularly when there was no stay or legal restraint on them at the relevant time. However, if the petitioner feels that the process of retrenchment was uncalled for or otherwise invalid on one or the other ground, he would be better advised to raise an Industrial Dispute and seek adjudication under Section 10 of the Act, but his effort to seek remedy under Section 33-A is misconceived.

7. Hence for the reasons recorded above, I reject the complaint and return my Award accordingly.

Chandigarh

23-7-1985.

I. P. VASISHTH, Presiding Officer.
[No. 1-42025(9)/85-D.II(B)]

नई दिल्ली, 19 अगस्त, 1985

का. अ. 4074—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) के धारा 17 के अनुसरण में, केन्द्रीय सरकार बगलकोट उद्योग लिमिटेड, बगलकोट के प्रबंधन से संबद्ध नियोक्ताओं और उनके कर्मचारियों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, बंगलूर के पंचाट को प्रकाशित करता है, जो केन्द्र सरकार को 6 अगस्त, 1985 को प्राप्त हुआ था।

New Delhi, the 19th August, 1985

S.O. 4074.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bangalore, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bagalkote Udyog Limited, Bagalkot and their workmen, which was received by the Central Government on the 6th August, 1985.

BEFORE THE INDUSTRIAL TRIBUNAL IN KARNATAKA
BANGALORE

Dated this the 29th day of July, 1985

PRESENT.

Sri R. Ramakrishna, B.A., B.L., Presiding Officer

Central Reference No. 16 of 1984

I PARTY

The General Secretary
Bagalkot Cement Co. Workers
Union Kamagar Sadan,
Muchakhandi Road,
Bagalkot-587111,
Bijapur District

Vs.

II PARTY

(a) Sri M. M. Murnal, Contractor,
Venkat Peth, Bagalkot-587111,

Bijapur District
(b) The Managing Director,
Messrs. Bagalkot Udyog Ltd.,
AIR India Building, 14th
Floor, Nariman Point,
Bombay-1.

APPEARANCES:

For the I Party.—None present.

For the II Party (a).—Sri Ram Mohan Reddy, Advocate,
Bangalore.

For the II Party (b).—Sri R. Gururajan, Advocate,
Bangalore.

REFERENCE

(Government Order No. L-29011/91/83-D.II(B) dated
30-5-84)

AWARD

The Central Government in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 shortly called Act, has referred the above said dispute to this Tribunal for adjudication as per the Schedule hereunder.—

SCHEDULE

Whether the discontinuance of the services of the 16 contract workers mentioned in the Annexure with effect from 16-3-1983 in the Bagalkot Lime Stone Quarry of Messrs Bagalkot Udyog Limited is legal and justified? If not, to what relief are the workers concerned entitled?

ANNEXURE

1. S/Shri Bhimappa Yamanappa Bankiya.
2. Huchappa Tammana Meti.
3. Nagappa Siddappa Bannidinni.
4. Muchkandappa Parappa.
5. Yellappa Yamanappa.
6. Mamadsab Rajesab
7. Mudakappa Nagappa.
8. Rafik Hazzansab Sawdakar.
9. Basappa Ramappa.
10. Hanumantha Yemunappa Bilgi.
11. Lalsab Mammadsab Kasadgi.
12. Hanumantha Chatrapa Dasar.
13. Fakirappa C. Algundi.
14. Jayathirtha Kulkarni.
15. Ramachandra Balakrishna Pawar.
16. Settappa Timmanna Bandiwadden.

2. After receipt of the above reference, notices were issued to both the parties for their appearance and also for filing of their claim statements. Though the notice was served on the I Party Union but nobody appeared nor filed any claim statement. Hence the case was adjourned from time to time, and the I Party remained absent inspite of several adjournments given to them hence they have been placed ex parte on 15-2-85.

3. The II Party (a) filed his statement contending that the workmen of the Bagalkot Udyog Ltd., went on an illegal strike lasting for over a period of several days and the contract labour also joined their strike. Subsequently the Company terminated the contract granted in favour of this party. The persons mentioned in the Annexure have never reported for work till date. In view of the discontinuance of the contract, this party was not in a position to grant any work to these workmen. The workmen themselves left the work and are doing certain agricultural operations in the nearby villages. The I Party Union at whose instance the reference has been made has no support of an appreciable number of workmen of the II Party (b) hence there is no industrial dispute that existed between this party and the persons mentioned in the Annexure and as such the said workmen are not entitled for any relief. Therefore the reference made by the Government is without jurisdiction and requires to be rejected.

4. The II Party (b) filed their statement contending that they have taken on lease certain mines from the Government of Karnataka on payment of royalty. Sri Murnal was the contractor who engaged the services of the contract workmen mentioned in the reference in the manufacture of cement at its plant in Bagalkot. There was a strike by the workmen including the contract workmen in the year 1982 which lasted for several days affecting the production of the industry. The contract granted to Sri Murnal was terminated by the company. He has also informed that the workmen are not interested in the job. The workmen of Bagalkot Udyog Ltd., represented by the I Party had entered into a settlement in conciliation dated 11-5-82 wherein the workmen had given an undertaking agreeing not to raise any demand or dispute pertaining to the contractor. The II Party (b) have further submitted that the persons mentioned in the Annexure were neither employed at any time nor any appointment orders were issued by the company and there is no letter of termination issued by the company. The work of these workmen was supervised and guided by the contractor and hence there is no relationship of master and servant between these workmen and the company. Therefore there is no industrial dispute as defined under Section 2(k) of the Act. Most of the workmen are gainfully employed and are doing some agricultural operations in the nearby villages. The company is not a necessary party to these proceedings. The workmen are not in the service of the Company and as such they are not entitled for any relief. Hence they prayed that the reference made by the Government may be rejected as illegal and without jurisdiction.

5. Since the burden to prove the justification was placed on the II Party they have placed both oral and documentary evidence in support of their justification.

6. On behalf of the II-B Party their Personnel Manager gave the evidence contending that the workers shown in the Schedule were employed by a contractor who had sole control over them and the Company had not issued any appointment letters to these workmen. He has further deposed that the II-A Party was given development work on piece rate basis as per Exts. M-1 and M-2 and Exts. M-3 and M-4 are the job orders issued to him. He has further deposed that in the year 1982 the workers employed by II-A Party have not turned up for work and when the contractor has been asked he has given a letter as per Ext. M-5 to the effect that the workers have refused to resume work hence his contract was terminated by the Company as per Ext. M-6.

7. II-A Party gave the evidence that he was doing piece work by getting workers from Villages who went on strike and abandoned the work hence the Company has terminated his contract as per Ext. M-6. He has further deposed that he has settled his accounts and all his workmen are doing agricultural work in their places and they have not approached him subsequently to give them appointment.

8. By these oral and documentary evidence supported by pleadings of the II Parties that there was no privity of contract between the II-B Party with the workmen referred in the points of dispute and they have been engaged to do the work under II-A Party who were under his sole control for all practical purposes. The work orders issued to II-A Party as per Exts. M-3 and M-4 is with the result of tender accepted by him and the piece work also ended there was absolutely no control by the II-B Party. The method in which the said work will be done. II-A Party also stated that in view of the piece rate work he has engaged these workmen by paying cooly to them and this work is not a permanent and continuous one. He has no control over the workmen if they remained absent except the workmen lose their wages, if they remained absent and no service conditions were made applicable to them. In view of these admitted facts, I make the following award :—

AWARD

The Reference is rejected. The parties shall bear their own costs.

(Dictated to the Stenographer, transcribed and typed by him and corrected by me).

R. RAMAKRISHNA, Presiding Officer,
[No. 29011(91)82-D.III(B)]

का. अ. 4075.—आयोगिक विवाद अधिनियम, 1947 (1947 का 14) का धारा 17 के अनुसरण में, केन्द्रिय सरकार बंगलूर उद्योग लिमिटेड, बंगलूर के प्रबंधन से संबंधित विवादों और उनके कर्मचारियों के बीच अनुबंध में निश्चित आयोगिक विवाद में आयोगिक अधिकरण, बंगलूर के पंचाट का प्रकाशित करत है, जो केंद्रिय सरकार को 6 अगस्त, 1985 का प्राप्त हुआ था।

S.O. 4075.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bangalore, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bagalkot Udyog Limited, Bagalkot and their workmen, which was received by the Central Government on the 6th August, 1985.

BEFORE THE INDUSTRIAL TRIBUNAL IN KARNATAKA, BANGALORE

Dated this the 29th day of July, 1985

PRESENT :

Sri R. Ramakrishna, B.A., B.L., Presiding Officer

Central Reference No. 9 of 1984

I Party
The President,
Bagalkot Cement Company
Workers' Union, Kamagar Sadan,
Muchakhandi Road,
Bagalkot-587111.

-Vs-

II Party
The General Manager,
Bagalkot Udyog Limited,
Kamagar Sadan,
Muchakhandi Road,
Bagalkot-587111.

APPEARANCES

For the I Party—None present.

For the II Party—Sri R. Gurufajan, Advocate,
Bangalore.

REFERENCE

(Government Order No. L-29011(70)83-D.III(B)
dated 2-5-1984).

AWARD

The Central Government in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, shortly called Act, has referred the above noted dispute to this Tribunal for adjudication as per the Schedule mentioned below :—

SCHEDULE

Whether the management of Messrs Bagalkot Udyog Limited, are justified in transferring Sri Chandrappa Alugudi, Compressor Attendant, Bagalkot Cement Factory, to Limestone Quarry of the Company as Stone Breaker. If not, to what relief is the workman concerned entitled ?

2. Consequent to this reference, the notices are issued to both the parties. Though notice was served on the I Party Union but nobody appeared before this Tribunal. Hence the case was adjourned from time to time for filing of claim statement by the I Party. In spite of several adjournments the I Party has failed to file its claim statement. Hence they have been placed ex-parte on 15-2-85.

3. The II Party filed their claim statement contending that Sri Chandrappa Alugudi was employed by the II Party Company and was working in the quarry as a compressor attendant. According to the existing practice in the II Party Sri Chandrappa Alugudi was transferred from factory to Lime Stone Quarry. At no time the workmen have complained regarding the transfer. The transfers are effected with a view to achieve the production and also according to exigencies of work. Consequent upon the transfer, there

is no reduction in the emoluments or there are no adverse service conditions or there will be no change in service conditions applicable to the workman who is transferred from one section of the Mines to other section. Moreover, the Government of India constituted an Arbitrator to adjudicate the industrial dispute of the workmen of Cement industry, which after elaborate discussions, passed an Award under Section 10A and the same is published. Therefore according to this award transfer is permissible from one department to other including quarry. Hence the II Party submitted that they are fully justified in transferring the I Party workman concerned and requested to pass an award in favour of management.

4. Since the II Party-management have been directed to justify the action taken by them under the points of reference, the II Party have examined the Personnel Manager as MW-1 and documents are marked from Exts. M-1 to M-3. He has stated in his evidence that this Company consisted of two divisions viz., Factory and a Quarry. The workman Chandrappa was working at Quarry during 1982 in the designation of Compressor and prior to that he was working in the designation of Breaker as per Ext. M-1 and from Breaker his designation was changed as compressor. He has further deposed that Ext. M-2 is a transfer order and his transfer is from one department to another in the quarry section and when this transfer was made his salary and service conditions are protected and he has not been made any representation protesting his transfer. He has further deposed that as per the Cement Wage Board Award Ext. M-3 transfers from one department to another department under clause (g) is permitted, the Union has also not made any resolution protesting against this transfer.

5. Ext. M-1 an office Memo dated 29-6-81 discloses that this workman was being re-designated as compressor attendant from the designation of breaker and Ext. M-2 is a Memo of transfer as breaker dated 19-5-83 with immediate effect. Ext. M-3 is the Cement Wage Board Award dated 19-5-83 under clause (g) there is a provision that workmen are interchangeable from one department to another including quarry.

6. The oral and documentary evidence placed by the II Party does show that the transfer and re-designation made to this workman by the II Party is not mala fide and there is no material that this transfer has affected the service conditions and salary which was drawn by the above workman before his transfer. The matter of transfer from one department to another department is the incident of employment for purposes of exigencies of work and unless any mala fides are shown the transfer from one department to another department is legally justified. Since the II Party have justified the action taken by them, I make the following award :—

AWARD

The reference is rejected and in the circumstances of the case parties shall bear their own costs.

(Dictated to the Stenographer, transcribed and typed by him and corrected by me).

R. RAMAKRISHNA, Presiding Officer

[No. L-29011(70)83-D, III(B)]

का. प्र. 4076—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) के धारा 17 के अनुसूचना में, केन्द्रिय सरकार द्वारा कर्मोत्पादक माहौल और सम्पूर्ण और सा माहौलित कार्यस्थल सिस्टिम के प्रबंधन में संबंधित नियंत्रणों और उनके कर्मचारियों के बीच अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, सुवनेश्वर के पंचाट को प्रकाशित करना है, जो केन्द्रिय सरकार को 6 अगस्त, 1985 को प्राप्त हुआ था।

S.O. 4076.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhubaneswar, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bangur Chromite Mines of Messrs. Orissa Mining Corporation Limited, and their workmen, which was received by the Central Government on the 6th August, 1985.

INDUSTRIAL TRIBUNAL, BHUBANESWAR

PRESENT :

Shri K. C. Rath, B.L., Presiding Officer.

Industrial Dispute Case No. 4 of 1985 (Central)

Dated, Bhubaneswar, the 30th July, 1985

BETWEEN

The employers in relation to the
management of Bangur Chromite
Mines of M/s. O.M.C. Limited, First-party

AND

Their workmen Second-party.

APPEARANCES :

Shri K. S. Sahoo,
Senior Administrative Officer,
Orissa Mining Corporation,
Bhubaneswar For the first-party

Shri P. C. Ghadei,
President,
Boula Chromite Mine
Workers' Union. For the second-party.

AWARD

Dispute referred to by the Central Government for adjudication under Clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, vide Notification No. L-29011(45)84-D.III(B) dated 21-3-1985 on the Ministry of Labour reads this :—

"Whether the action of the management of Orissa Mining Corporation Limited, Bhubaneswar, in terminating the services of the undermentioned daily-rated female mazdoors of their Bangur Chromite Mines, Keonjhar, with effect from 20-7-84 was justified? If not, to what relief are the workmen concerned entitled?"

NAMES OF WORKMEN

1. Smt. Parbati Muduli
2. Smt. Tara Muduli
3. Smt. Rukuma Moharana
4. Ku. Bharati Patra
5. Ku. Uma Bentakar
6. Smt. Fulasi Ho
7. Smt. Srimati Naik
8. Ku. Sanju Bentakar
9. Ku. Bhama Patra
10. Smt. Golapi Tanti
11. Smt. Buli Naik
12. Smt. Mohani Naik
13. Ku. Saraswati Naik
14. Smt. Sara Naik
15. Smt. Brahmani Patra
16. Smt. Salma Majhi
17. Smt. Menja Ho
18. Smt. Ambi Naik
19. Smt. Rai Naik
20. Smt. Pata Naik
21. Smt. Pramila Naik."

2. It is not in dispute and is admitted by both the parties that the daily -rated female mazdoors numbering 20 were in the employment of Bangur Chromite Mines, Keonjhar for ore washing from November 1981 till 20-7-1984 when their services were terminated after giving them full benefits as provided under Section 25-F of the Industrial Disputes Act on the ground that their employment was considered to be very uneconomical. The second-party workmen challenges the order terminating their services as illegal as it was done without the prior permission of the Government, particularly when the total number of workers working in the mines was near about 500. It is further stated that the ground on which the services of the second-party workman were terminated is not at all acceptable in view of the fact that what was being paid to them towards their wages was the minimum at the rate of Rs. 9.75 per day per worker as per the Notification of the Government of India, Ministry of Labour.

3. The first-party employer reiterates the same thing in its written-statement that the services of the second-party

workmen were terminated as then further employment was considered to be very uneconomical. It is further stated that the permission of the Central Government was not required as the total number of workers working in the mines for ore washing was not more than 20.

4. One witness was examined for the first-party employer and one for the second-party workmen, the witness examined for the first-party employer is its Mines Manager and on a reading of his evidence it appears that after the termination of the services of the second-party workmen on the ground that their further employment in ore washing was very uneconomical, a contractor was engaged and the said contractor engaged the second-party workmen for the washing of ore. Further it appears from his evidence that while the second-party workmen were directly working under the first-party, they were being paid the minimum wage at the rate of Rs. 9.75 per day per head as prescribed by the Government. It also appears from his evidence that the second-party workmen are getting the minimum wage at the rate of Rs. 9.75 per day per head as prescribed by the Government from the contractor under whom they are working after the retrenchment of their services. If the contractor is paying the wages at the rate at which the first-party was also paying, it is not understood how the further employment of the second-party workman was considered by the first-party employer to be very uneconomical. In the absence of any plausible explanation substantiating the termination order, it cannot be sustained.

5. One more ground is also taken by the second-party workman that the impugned order is bad in law as it contravened the provisions laid down in Chap. V-B of the Industrial Disputes Act, 1947 because there were more than 300 workers working in the mines belonging to the first-party. In paragraph 2 of the written-statement it is stated that about 500 workers were working in the mines. In evidence nothing is stated as to how many workers were working in the mines. Simply it is stated that about 200 workers were working under the contractor Sudarsan Mohapatra and about 700 workers were working under the departmental contractor including the first-party. Such being the evidence and the assertion of the witness examined for the first-party being that the total number of workers working in the mines was not more than 50, I am of the view that the legal point raised is of no consequence at all. But in view of my findings in the earlier paragraph the impugned order cannot be sustained as it is not justified.

6. In the result, the action of the management of Orissa Mining Corporation Limited, Bhubaneswar, in terminating the services of Smt. Parbati Maduli, Smt. Tara Muduli, Smt. Rukma Moharana, Kr. Bharti Patra, Ku. Uma Bentakar, Smt. Tulasi Ho, Smt. Srimati Naik Ku. Sanju Bentakar, Ku. Bhama Patra Smt. Golapi Tanti Smt. N. Buli Naik, Smt. Mohbani Naik, Ku. Saraswati Naik, Smt. Sara Naik, Smt. Brahmani Patra, Smt. Salma Majhi, Smt. Menja Ho, Smt. Ambi Naik, Smt. Rai Naik, Smt. Pata Naik and Smt. Pramila Naik with effect from 20-7-1984 was not justified. The Mazdoors be reinstated in service. Since they are working under the contractor ever since the termination of their services the question of payment of back wages to them needs no consideration.

7. The Award is passed accordingly.

30-7-84

K.C. RATHI, Presiding Officer
[No. L-29011 (45) 84-D. III (B)]

का. आ. 4077—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रिय सरकार विद्युत उद्योग-नियंत्रण (टेलीकम्युनिकेशन) गंतुर (अ. प्र.) के प्रबंधन में संबंधित नियो-जकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रिय सरकार औद्योगिक अधिकरण के पंचाट को प्रकाशित करने, है, जो केन्द्रिय सरकार को 5 अगस्त 1985 को प्राप्त हुआ था।

S.O. 4077.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Madras as shown in the Annexure in the industrial dispute between the employers in relation

to the management of Divisional Engineer (Telecommunications), Guntur (A.P.) and their workmen, which was received by the Central Government on the 5th August, 1985.

BEFORE THIRU K.E. VARADHAN, B.A., B.L., PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS.

(Constituted by the Central Government)

Wednesday, the 24th day of July, 1985

INDUSTRIAL DISPUTE NO. 84 OF 1984

(In the matter of the dispute for adjudication under section 10 (1) (d) of the Industrial Disputes Act, 1947 between the workman and the Management of Divisional Engineer (Telecommunications), Guntur (A.P.).

BETWEEN

Thiru B. Syamprasad, C/o. Gade Simachalam Advocate President, INTUC, District Branch, Guntur-522004 (A.P.)

AND

The Divisional Engineer (Telecommunications), Guntur (A.P.)

REFERENCE:

Order No. L-40012(6)/84-D. II(B), Ministry of Labour & Rehabilitation, Department of Labour, dated 31-10-1984, Government of India, New Delhi.

The dispute coming on for final hearing on Monday, the 15th day of July, 1985 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru Gade Simachalam, Advocate appearing for the workman and of Thiru P.B. Krishnamurthy, Central Government Pleader appearing for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following:—

AWARD

This reference by the Central Government under Section 10 (1) (d) of the Industrial Disputes Act, 1947 seeks an adjudication on the issue as to "Whether Divisional Engineer (Telecommunications), Guntur is justified in dismissing Shri B. Syam Prasad, daily rated Mazdoor with effect from 26-6-1983 by means of an oral order? If not, to what relief is the employee entitled to?"

(2) Responding to the notice, the employee Thiru B. Syam Prasad, and the employer Divisional Engineer (Telecommunications) have filed their pleadings before this Tribunal. In his claim statement, the employee has averred that he joined the services of the employer on 1-4-1978 as a Mazdoor under the supervision of Junior Engineer (Phones), out-door, Chilakaluripet on the daily wages of Rs. 5/- and that on being satisfied with his work he was made permanent and absorbed in the department during September, 1978 on an increased daily wages of Rs. 6.80 per day as later increased to Rs. 11.05 per day. He further alleged that after he had completed more than one year of continuous service and had consequently become eligible for the protection under the Industrial Disputes Act, 1947, the employer, in contravention of the provisions thereof, illegally terminated his services by an oral order on 26-3-1983, without subjecting him to any disciplinary proceeding and without even issuing one month notice or paying him retrenchment compensation. Characterising such termination of his services as illegal, void and inoperative as being contrary to the provisions of the Industrial Disputes Act, the employee has sought for the relief of his reinstatement in service, with continuity of service and back wages from the date of termination to the date of reinstatement as also costs of this proceeding. The employer has filed a counter-statement objecting to the jurisdiction of this Tribunal to adjudicate on the dispute, on the ground that the establishment of the employer is not an 'industry' and that the employee is not a 'workman' as defined in the Industrial Disputes Act, 1947. Strictly construed the employer has been maintaining telecommunication system and network as an integral part of the sovereign functions of the State rendering the reference non-main-

tainable. The employee was only a casual Mazdoor and was given work as and when work was available. His claim to have been absorbed in the telecommunication department was false. He was only given a certificate by the Sub-Divisional Officer to have worked as a Mazdoor. He was never paid monthly salary as he was employed as a casual Mazdoor on daily rated wages only. While working as a casual Mazdoor under the Line Man Thiru Shaik Vali Narasaraopet on 23-8-1983 the employee was caught red-handed in the act of cutting a 200 6-1/2 lbs. dead cable in the new Telephone Exchange premises with a view to commit theft thereof. The Junior Engineer whose attention was drawn to the incident, directed the removal of the delinquent-employee from the muster roll and also reported the matter to the higher authorities who had approved the said action. After the date of the incident the employee was stopped away from work and hence the question of respecting his seniority did not arise. On such averments the employer has prayed for the dismissal of reference.

(3) In the course of the enquiry that followed, the parties were content with producing certain documents detailed hereunder and did not adduce any oral evidence. Besides producing the work record note book (Ex. W-1) which contain the entries regarding the dates (commencing from 1-5-1978), on which the employee had worked in the establishment of the employer, as duly attested by the Sub-Divisional Officer, Narasaraopet, the employee has also produced a letter Ex. W-2, dated 20-1-1984 addressed by the Assistant Labour Commissioner (Central), Vijayawada to the Secretary to the Government of India, Ministry of Labour, recommending reference of the dispute to the Tribunal, the certificate Ex. W-3 dated 23-2-1983 issued by the employer to the employee mentioning the fact of the employee having worked as a Mazdoor for about 18 days between 1-4-1978 and 30-4-1978, the memorandum Ex. W-4 dated 4-9-1978 issued by the Office of the sub-Divisional Officer, Telecommunications, Narasaraopet, recording the fact that the employee Thiru Syam Prasad besides four others, had been absorbed as casual Mazdoors and that the Sub-Inspectors and Linemen in-charge of working parties should engage these Mazdoors only in their working party (a copy of this memorandum had also been forwarded to the Employment Officer, Employment Exchange, Guntur, evidently to put him notice of the non-availability of the employee for further recommendation) the proceedings Ex. W-5 dated 3-11-1981 of the Sub-Divisional Officer, Telecommunications, Chidakaluripet recording the fact that the employee Thiru Syam Prasad had completed 3 years of service and 720 days as on 4-9-1981 and certifying that the said Mazdoor was thereafter eligible for increased daily wages of Rs. 9.30 per day with weekly offs with effect from 5-9-1981 and the circular Ex. W-6 dated 7-12-1984 of the office of the Divisional Engineer, Telecom., Guntur detailing the programme to conduct entrance test for the selection of Linemen for Guntur, Telecom Division on 10-2-1985 and specifying the eligibility therefor as the completion of a minimum of 365 days as a casual Mazdoor as on 31-3-1984 in Construction/Maintenance parties whether over head lines and wires and on cables and the incidental requirements.

(4) On the other hand, the employer Divisional Engineer has produced the report Ex. M-1 dated 23-3-1983 from Thiru G. Kottiah, S.G.C.S. to the Junior Engineer mentioning the attempted theft by the employee Thiru Syam Prasad of 200 6-1/2 lbs. dead cable in the new Telephone Exchange premises, Narasaraopet, the communication Ex. M-2 dated 24-3-1983 addressed by the Junior Engineer to Sub-Divisional Officer, Telecommunications informing about the incident of attempted theft by the employee as communicated to him under Ex. M-1, the explanation of the employee denying the theft and alleging permission in that regard granted by Thiru Kottiah, the denial thereof by the latter who was available in the office and his directions to the Linemen Thiru Shaik Vali, in whose muster roll the employee was then working, to delete the name of the employee from the muster roll immediately and requesting further necessary action by the Divisional Engineer, the letter Ex. M-3 dated 24-3-1983 by the Telephone Inspector Thiru E. Rattiah to the Junior Engineer about the incident of attempted theft by the employee, the communication Ex. M-4 dated 8-4-1983 from the Sub-Divisional Officer, Telecommunications, Narasaraopet to the Divisional Engineer, Telecommunications,

Guntur intimating the stoppage from work of the employee Thiru B. Syam Prasad on the ground of his attempted theft of wire on 23-3-1983, the notice Ex. M-5 dated 22-8-1983 from the employee to the Sub-Divisional Officer, Telecommunications, Narasaraopet denying the incident of theft attributed to him and demanding reinstatement in service, the copy of Ex. M-6 of the letter dated 5-9-1983 from the employee to the Assistant Labour Commissioner (Central), Vijayawada requesting conciliation proceedings on the dispute raised by him and Ex. M-7, the counter statement dated 18-1-1984 submitted by the employer Divisional Engineer before the Conciliation Officer reiterating the validity of the termination of the service of the employee and disputing the maintainability of the conciliation sought for by the employee. This close the contents of the documents produced herein and arising for consideration.

(5) On the submissions made before me the following material points arise for determination.

(a) Whether the employer Telephone or Telecommunication Department of the Government is an 'industry' as defined in Section 2(j) of the Industrial Disputes Act;

(b) whether the employee Thiru B. Syam Prasad admittedly a casual labourer is a 'workman' as defined in Section 2 (s) of the Industrial Disputes Act;

(c) whether the termination of the services of the employee under the circumstances claimed by the employer would amount to retrenchment as defined under Section 2(00); and

(d) whether the said retrenchment if any is illegal and void for non-compliance with the provisions of Section 25(F) of the Act entitling the employee to the consequential relief of reinstatement in service with back wages all through.

6. POINTS (a) and (b): The discussion on these two points, involving the determination of the legal status of the employer Department as an 'industry' and that of the employee as a 'workman', both defined in the Act under Section 2 (j) and 2 (s) respectively, could be taken up together and a finding recorded in favour of such status, as has been held by a Division Bench of the Calcutta High Court in the decision Tappan Kumar Jana vs. Calcutta Telephones and others (reported in 1981-II-L.J. 382). The said decision dealt with the identical if not similar facts arising in this dispute between the Calcutta Telephones and a casual labourer. Their Lordships, who rendered the decision, have, if I may say so with due respect, exhaustively discussed the different provisions of the Act in the light of various other decisions of the High Courts and the Supreme Court, before concluding in favour of the telephone or telecommunication department of the Government being an 'industry' and the status of a casual labourer being a 'workman' as defined in the Act. Respectfully adopting the said reasons, I find under these points, that the employer Divisional Engineer (Telecommunications) is an industry and that the employee Thiru B. Syam Prasad though a casual labourer is a workman as defined in the Act.

7. POINTS (c) and (d).—The fact that the services of the employee Thiru B. Syam Prasad had been brought to an end or terminated, by an oral order, directing the removal of his name from the muster roll after the alleged incident of theft by him on 23-3-1983 at the Telephone Exchange, Narasaraopet, is not in dispute. It is not the case of the employer that any enquiry was initiated on the foot of any charge sheet against the employee before his services were dispensed with. Indeed the employer has chosen to sustain such removal of the employee from the muster rolls on the sole ground that the provisions of the Industrial Disputes Act are not applicable to the dispute raised or claim made by the employee, as the employer Telecommunication Department is not an industry and the employee, a casual labourer is not a workman as defined in the Act. If therefore the applicability of the provisions of the Act is upheld, as has been done while discussing supra, the points (a) and (b), the conclusion is irresistible, that the termination of the services of the employee in the circumstances, ordered by the employer cannot be sustained and maintained under any of provisions of the Industrial Disputes Act. Though in the Calcutta decision referred to above, their Lordships were dealing with a case of the termination of services of an employee by the employer on the ground that the particular work for which he was employed, had been completed and that there was

no further work to be continued by availing the services of the employee, yet the general principles adumbrated in the said decision, would in my considered opinion, apply on all fours, to the facts of the instant case, wherein the termination has been brought about, without initiating any disciplinary proceedings against the employee on the alleged incident of attempted theft of wire, which had been denied by the employee, warranting an enquiry. On the undisputed facts available, there could be no difficulty in concluding, that the termination of the services of the employee would clearly amount to retrenchment as defined in Section 2(oo) of the Act, as it does not fall under any of the exceptions mentioned therein. In the absence of even a plea by the employer, about the compliance with the provisions of Section 25 (F) of the Act, it must be concluded, that the above said retrenchment is bad in law, and cannot be sustained, entitling the employee to the relief of reinstatement in service, from the date of illegal termination of the services with back wages all through until reinstatement.

(8) In this connection, I am constrained to point out, that the actual date of termination of the services of the employee as borne out by the records was 23-3-1983. (Please see the report Ex. M-2 of the Junior Engineer who claimed to have directed the removal of the employee from the muster rolls after inspection on the date of the incident, namely 23-3-1983) and not either 26-3-1983 as claimed by the employer or 26-6-1983 as mentioned in the reference, both of which clearly represent inadvertent mistakes. For the foregoing reasons I find under Point (c) that the employee was in effect retrenched from services on 23-3-1983 and under Point (d) that the said retrenchment was bad in law and unsustainable for non-compliance with Section 25 (F) of the Act entitling the employee to the relief of reinstatement in service without break from 23-3-1983 with full back wages all through until actual reinstatement.

(9) In the result, an award is passed holding that the termination of the services of the employee Thiru B. Syam Prasad on and from 23-3-1983 is illegal and unsustainable and directing his reinstatement in service from that date together with back wages therefrom until reinstatement pursuant to this award. His claim to promotion on the basis of such continued service shall also be considered by the employer Department subject of course to the relevant rules and regulations governing such promotions. The employee is also awarded costs of these proceedings. Pleader's fee Rs. 100/-. Award is passed accordingly.

Dated, this 24th day of July, 1985.

Sd/- (Illegible)
Industrial Tribunal

WITNESSES EXAMINED

For workman—None.

For Management—None.

EXHIBITS MARKED

For workman :

W-1—Service particulars of the workman Thiru B. Syam Prasad, (book).

W-2/20-1-84—F.O.C. report submitted to the Asstt Labour Commissioner Central, Vijayawada.

W-3/23-2-83—Certificate issued by the Divisional Engineer (Telecom) to the worker.

W-4/4-9-78—Letter of Divisional Officer (Telecom) Narasaraopet to the workman.

W-5/3-11-81—Letter from Sub-Divisional Officer (Telecom) regarding fixation of scale.

W-6/7-12-84—Circular of Divisional Engineer (Telecom) Guntur calling application for the post of Lineman.

For Management:

M-1/23-3-83—Statement given by Sri G. Kotaiah in Telugu.

M-2/24-3-83—Report from the Junior Engineer Narasaraopet.

M-3/24-3-83—Report of V. Rattiah, Telephone Inspector.

M-4/8-4-83—Order of the Sub-Divisional Officer (Telecom), Narasaraopet.

M-5/22-8-83—Copy of letter from B. Syam Prasad (workman) to the S.D.O. (Sub-Divisional Officer), Telecom, Narasaraopet.

M-6/5-9-83—Letter from the workman to the Assistant Labour Commissioner (Central), Vijayawada.

M-7/18-1-84—Copy of counter statement filed by the Management before the Assistant Commissioner, Vijayawada.

K.E. VARADHAN, Industrial Tribunal
[No. I-40012 (6)'84-D. II (B)]

नई दिल्ली, 20 अगस्त, 1985

का. आ. 4078—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नष्टन रेलवे और ड्यूटी चीफ मैकेनिकल इंजीनियर सी. व. अलम्बाग, लखनऊ के प्रबंधन में सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

New Delhi, the 20th August, 1985

S.O. 4078.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway and Deputy Chief Mechanical Engineer C & W Alambagh, Lucknow and their workmen, which was received by the Central Government on the 2nd August, 1985.

BEFORE SHRI R B SRIVASTAVA PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
KANPUR

Industrial Dispute No. 49/83

In the matter of dispute

BETWEEN

Shri Rameshwar Prasad Shukla

Workman

AND

The Management of Northern Railway, Deputy Chief Mechanical Engineer, C & W Alambagh, Lucknow

APPEARANCES:

Shri B. D. Tewari, Zonal Working President, URKU, 96/196 Roshan Lal Bajaj Lane, Ganesh Gani, Lucknow.

Shri H. Qureshi, for the management.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. I-41012(7)/82.D-II(B) dt. 6th December, 1982 has referred the following dispute for adjudication;

Whether the action of the railway administration in relation to their Locomotive Workshop, Northern Railway, Charbagh, Lucknow in removing Shri Rameshwar Prasad Shukla, Khalasi T. No. BSS/446, from service vide order dated 2-12-77, is justified? If not, to what relief the said workman is entitled?

2. The case of the workman is that he was a Khalasi under the management in the Black Smith Shop, Locomotive Workshop, Charbagh, Lucknow, (N.R.) and was appointed as such from 17-11-1947. The workman while on duty met an accident on 5-9-69, and was hospitalised in Railway Hospital upto 1-4-70 and was on hurt on duty sick report "for pitty long time" thereafter. Due to this accident workman's right leg became short by 2-1/2" consequently the DMO Lucknow, recommended light duty for the workman. The management did not give him any light duty as a result there was permanent swelling in his right

leg due to which the workman had to go on sick report for and often much after from 1976-77 as no sick memo was issued by the management. The workman had to go under the treatment of Private Medical Practitioner whose certificate when being submitted by him to the workshop administration in support of his medical leave with his application. On application of 10 days leave the workman proceeded to his house and on reaching there he found that his wife had stroke of paralysis consequently he submitted extension for leave from 16-4-76 to 2-4-76, on the ground of his wife's illness supported by medical certificate. Thereafter, he himself became ill and submitted medical certificate for leave for 24-4-76 to 30-9-76, under certificate of posting. Again he submitted medical certificate on 1-10-76 to 21-10-76. Meanwhile he came to Lucknow on 15-10-76, to resume his duties. He was sent Railway hospital. The railway medical officer admitted him as indoor patient and verified him only on 8-11-76. On submitting fitness certificate he resumed duty on 12-11-76. A charge sheet was delivered to him on 15-11-76 and an enquiry was held by Shri Ram Jiyawan Ram Senior Welfare Inspector. In his enquiry report, he opined that sickness of the workman as well as his wife was genuine but he failed to give timely information to the administration. The enquiry officer held that absence from duty from 15-10-76 to 12-11-76 only was authorised, meaning thereby that absence from 9-4-76 to 14-10-76 was unauthorised. The workman was consequently removed from service by Assistant Works Manager, Northern Railway, Lucknow, on 2-12-77. The workman submitted an appeal against his removal which was rejected. In his appeal he had taken ground firstly that he was not removed by competent authority, that his absence was on the ground of medical which was certified by medical certificate that the enquiry officer's findings of unauthorised absence from 8-4-76 to 11-10-76 was without foundation, that the Asstt. Works Manager who gave the punishment treated whose period as unauthorised absence from duty and it was also taken as ground that the removal order was not a speaking order hence was liable to be set aside. Despite all this the appeal was rejected.

3. That the workman thereafter, raised an industrial dispute through the conciliation and prayed for reinstatement with full back wages.

4. The management has contested the claim on the grounds that the workman was removed from service by Works Manager (finish him) Locomotive Charbagh, Lucknow and not by Asstt. Manager finish him of the said workshop at Lucknow. It is admitted that the workman met an accident and was given compensation on the recommendation of the Deputy Mechanical Officer it is admitted that the workman was granted leave from 6-4-76 to 8-4-76 being Holiday and thereafter the workman being remained unauthorised absence w.e.f. 10-4-76 and did not sent any application for leave, consequently he was issued a charge sheet for unauthorised absence on 24-9-76. After issue of Charge sheet the workman appeared with an application on the ground of his wife's illness and his own illness and private medical certificates and fitness certificates which were filed by the workman on 9-11-76. According to the management prior to 9-11-76, no application for leave with certificate or thorough office was received in the office consequently charge sheet was issued and inquiry held and he was provided with all reasonable facilities to defend his case as a result of recommendation of the enquiry officer he was removed from service by orders of the Works Manager on 2-12-77. The appeal filed to Deputy Chief Mechanical Engineer (Works) Charbagh, Lucknow was also dismissed after giving him personal hearing. Even the applicants review application given to the General Manager was rejected after due consideration.

5. On the point whether the workman was removed from service by an officer lower in rank than the officer who appointed him. There is no dispute that the workman was recruited in the year 1947 by the then Works Manager. According to the management witness Works Manager was Head of the Department of the workshop at that time. The management in its written statement has stated that the workman was removed from service by Works Manager (F) Locomotive shop Charbagh Lucknow and not by Assistant Manager. The management witness has denied that

equivalent of Works Manager of that time is Deputy Chief Mechanical Engineer rather he has deposed that the present Works Manager is equivalent to the post of Works Manager of 1945, because both the posts are of senior scale. The management witness further denied that it would be wrong to say that equivalent to the post of this Works Manager of 1945 is at present Production Engineer. He further denied that present Works Manager finished him and not Assistant Manager Works finished the workman.

6. The workman has not given any evidence to show that he has been removed by an officer lower in rank than the person who appointed. I therefore, decide this point believing the management witness and hold that the removal of the workman had not been done by an officer lower in rank than an officer who appointed the workman.

7. It has been argued that the entire loco workshop in the year 1947 was in the charge of Works Manager Loco, but now, i.e., at the time of the termination of the workman, the whole sole incharge of the loco workshop is D.C.M.E., hence he should have been passed the termination order. The criteria of incharge of workshop is the matter of termination of an employee is unfounded in law and what is legally required is that the person terminating the services, should not be lower in rank than the person who appointed, of the workman. Rank is judged from the status and scale of pay and not on account of being sole incharge. I, therefore, decide this point against the workman.

8. Now coming to the finding of the enquiry officer, the enquiry officer in his report held that absence during the period 9-4-76 to 14-10-76 was unauthorised, though on the basis of evidence on record he came to the conclusion that Rameshwar Parsad as well as his wife were sick during period alleged, but the workman failed to submit timely intimation of his sickness as well as sickness of his wife to the administration as required under rules.

9. The Enquiry report is dated 14-10-76. The removal order is dated 2-12-77 has been filed by the management and it is signed by Shri S. C. Gupta Works Manager. It reads as follows:

I have carefully considered your representation dated 30-9-77 in reply to the memorandum of show cause notice L/58E/BSS-446/76, dated 2-7-77. I do not find your representation to be satisfactory due to the following reasons:

His defence reply is far from the facts—He is removed from service—I therefore, hold you guilty of the charge (s) viz for unauthorised absence from 10-4-76 to 10-11-76—levelled against you and you have decided to impose upon you the penalty of removal from service. You are therefore, removed from service with immediate effect from 2-12-77 AN

Under rule 18 of the Railway Servants (Discipline and Appeal) Rule 1968 an appeal against these orders lies to D.C.M.E.(W),CB/LKO provided:

(i) the appeal is submitted through proper channel within 45 days from the date you received the orders and;

(ii) The appeal does not contain improper or disrespectful language.

Please acknowledge the receipt of this letter.

10. It may be mentioned here that the charges of unauthorised absence was from 9-4-76 to 14-10-76 and not upto 10-11-76.

11. The representative for the workman has drawn my attention to the circular of the Northern Railway Head Quarter office Baroda House New Delhi Sl. No. 5027. In that copy of railway board's letter no 68/72/L dated 22-5-70 was incorporated as under :

In partial modification of the provisions contained in para 1472 of the chapter XIV of the Indian Railway Establishment Manual (revised Addition), the board have decided that medical certificates from Registered Private practitioner produced by Railway Employee in support of their applications for leave, should be rejected by the competent authority only after a railway medical officer has conducted the

necessary verification and on the basis of the advice tendered by him after such verifications. The Board have further decided that in cases where penalties have been imposed consequent on the rejection of certificates from private medical practitioners in the past the Railway administration should reconsider such cases if represented by the recognised Labour Unions. The revised procedure will, in the first instance be in force for a period of one year and will come into effect immediately. The Board desire to be furnished with a report on the working of the revised procedure by 30th Jan., 1971 positively.

12. In the instant case according to the management no certificate of the private medical practitioner sent under certificate of posting was received by the management. However, the management has not excluded the period from the unauthorised leave for which the railway medical officer has given a certificate which is from 15-10-76 to 7-11-76 and ultimately fitness certificate. At least this period should have not been counted in his unauthorised leave, further when on enquiry the enquiry officer came to the conclusion from the evidence before him that the applicant and his wife were really ill during that period the management should have taken a lenient view and the minimum punishment could have been given such as depriving him of pay for that period and not his removal from service. The Appellate authority also did not re-consider this aspect of the case. The Enquiry Officer in his findings has observed that it was correct that the workman had submitted medical certificate from Private Medical Practitioner on 24-7-76, as is evident from his application dated 9-11-76.

13. Thus according to the Enquiry Officer, the workman was responsible for non submission of timely intimation about his sickness under a private doctor for a period 23-4-76 to 14-10-76. Despite that in the last line of the findings, the enquiry officer found him guilty of charges of unauthorised absence from 9-4-76 to 14-10-76.

14. It has been argued by the counsel for the workman that the punishing authorities order is not a speaking order. The same is paper No. 6 fixed by the management. It simply shows that the representation against the proposed punishment being not found satisfactory and his defence reply being far from the facts. He is removed from service. He has been consequently held guilty for the charge for unauthorised leave from 10-4-75 to 10-11-76 and order for his removal in the show cause notice which is paper No. 8 only charge No. 1 has shown to be proved and he has been found guilty not of the charge for unauthorised absence from duty but guilty of the charges. Further the enquiry officer had found him guilty for the period 9-4-76 to 14-10-76, and not for the period 15-10-76 to 10-11-76 as mentioned in the punishment order. Thus the punishment is not for the period shown to have been proved by the Enquiry Officer on the basis of his enquiry.

15. In the case of Badrul Huda Ahmad Vs. State of Assam, (Assam & Nagaland H.C.) 1972 S. I. R. page 62, wherein it was held :

that the disciplinary authority failed to apply its mind to the report of enquiry and order of the enquiry officer of removal passed the disciplinary authority was quashed

It was further held in the said case in para 7 :

In the second show cause notice there is nothing about the charge No. 3, nor there is any reference to dropping of it by the enquiry officer. On the other hand the disciplinary authority held that the charges against the petitioner were found proved, in other words, all the charges were found proved.

16. It is also apparent on the face of the removal order that the disciplinary authority found all the charges framed against the petitioner as proved. But as observed earlier charge No. (iii) dropped by the enquiry officer in his report without any authority and it is not understood. The disciplinary authority could held that all the charges drawn against the petitioner had been proved. If the disciplinary authority found it proper to punish for unauthorised absence from 15-10-76 to 10-11-76, he should have given reasons also for

the same and observed why he disbelieved the medical certificate given by his Deputy Medical Officer Northern Railway. In case of Shri T. S. Srivastava Vs. State of Assam 1972, L&S page 682, wherein it was observed :

In this case, although the enquiring officer has more or less and substantially absolved the petitioner from the charges specifically levelled against him. The disciplinary authority, in fact, disagreeing with these findings and without recording the reasons for the disagreement held him guilty of the four charges leaving out the fifth charge altogether. The impugned order again gives a different picture detailing three findings.

It was held that the impugned order of withholding the three increments of the petitioner, therefore, clearly violates the provisions of rule 9 and even violates the rules of natural justice and has to be struck down.

17. The order holding the workman on unauthorised leave during period 15-10-76 to 10-11-76 without giving any reason is unjust and against the principle of natural justice and is liable to be struck down.

18. In the case of B. K. Talwar Vs. State of Haryana 1971 LAB IC page 201, it was held :

Punishment stopping increment—no reason for decision—order is illegal and liable to be quashed.

19. In the punishing authorities order of punishment paper No. 6 filed by the management, the only reason given that the defence reply is so far from the facts punishment has not to be given on defence reply but on the positive prove given by the management witness. The reason should have been given for non reliance on Divisional Medical Officer of Railway's report for the period 15-10-76 to 10-11-76. Further atleast some reasons should have been given why punishment is being given on the basis of the report of the enquiry officer, or the management witness providing the facts of the unauthorised absence. It was held therein :

There is substance in the contention of the learned counsel for the petitioner and this petition must succeed. From the plain reading of the orders of the Director and respondent No. 1 it is clear that no reasons whatsoever have been given for arriving at the decision against the petitioner and the impugned orders are scrappy and nebulous. In the present case it was incumbent on the respondents to give reasons while arriving at a decision against the petitioner as they were exercising quasi judicial functions and in not doing so they have acted illegally. The decision of the Supreme Court in Bharat Rai Vs. Union of India A.I.R. 1967 SC. 1606 is fully applicable to the facts of the present case.

20. In the case of Vijai Singh V. State of Haryana 1972 LAB IC page 713, wherein it was held :

It has now been authoritatively settled by their Lordship of the Supreme Court in Bachchitar Singh Vs. State of Punjab AIR 1963 395, and in Union of India V. H. C. Goel A.I.R. 1964 SC that both the stages of enquiry against a delinquent government official are equally judicial and therefore, any action decided to be taken against the govt. servant found guilty of misconduct is to be taken in a quasi judicial manner. That being so, the punishing authority was bound to support his order dismissing the petitioner with reasons.

21. In view of the law and facts discussed above, I hold that the order of the punishing authority for removal of the workman without given reasons and in the absence of proof of unauthorised absence from 15-10-76 to 10-11-76 is unjust and illegal.

22. The result is that the workman's removal order is liable to be quashed. I accordingly hold that the action of the management Railway in relation to their locomotive workman, NR Charbach Lucknow, in removing Shri Rameshwar Prasad Shukla, Khalasi T. No. BSS/446 from service vide order dt. 2-12-77 is illegal and is not justified as well as unfair.

23. The result is that the workman will be reinstated in service with full back wages.

24. Let requisite number of this award be sent to the government for publication.

Dated 30-7-1985.

R. B. SRIVASTAVA, Presiding Officer
[No. L-41012(7)/82-D-II(B)]
HARI SINGH, Desk Officer

नई दिल्ली, 14 अगस्त, 1985

का. मा. 4079.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) के धारा 1 के उपधारा (3) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 16 अगस्त, 1985 को उस तारीख के रूप में नियत करता है, जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त का जा चुक है) और अध्याय 5 और 6 [धारा 76 का उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुक है] के उपबंध आन्ध्र प्रदेश राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात्:—

“पश्चिम गोदावरी जिले के कोवूर मंडल में कोवूर तथा आरिकिरेवुला के राजस्व ग्रामों के अन्तर्गत आने वाले क्षेत्र।”

[संख्या एम-38013/12/85-एस. एस.-1]

New Delhi, the 14th August, 1985

S.O. 4079.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 16th August, 1985 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI [except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Andhra Pradesh, namely:—

“The areas within the revenue villages of Kovvur and Arikirevula in the Kovvur Mandal of West Godavari District.”

[No. S-38013/12/85-SS-1]

का. मा. 4080.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) के धारा 1 के उपधारा (3) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 16 अगस्त, 1985 को उस तारीख के रूप में नियत करता है, जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त का जा चुक है) और अध्याय 5 और 6 [धारा 76 के उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त का जा चुक है] के उपबंध आन्ध्र प्रदेश राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात्:—

“कृष्णा जिले के इब्राहिमपट्टनम मंडल के कोण्डापल्ली राजस्व ग्राम का क्षेत्र।”

[संख्या एस-38013/17/85-एस. एस.-1]

ए. के. भट्टराई, प्रवर सचिव

S.O. 4080.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 16th August, 1985 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI [except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas of the State of Andhra Pradesh, namely:—

“The area of Kondapally revenue village of Ibrahimpatnam Mandal in Krishna District.”

[No. S-38013/17/85-SS. II]

A. K. BHATTARAI, Under Secy.

658 GI/85—9

नई दिल्ली, 16 अगस्त, 1985

का. मा. 4081.—अन्नक खान श्रम कल्याण निधि नियम, 1948 के नियम 3 के साथ पठित अन्नक खान श्रम कल्याण निधि अधिनियम, 1946 (1946 का 22) की धारा 4 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और भारत सरकार, श्रम मंत्रालय की अधिसूचना संख्या का. मा. 2198, तारीख 15 अगस्त, 1981 का अधिकरण करते हुए केन्द्रीय सरकार बिहार राज्य की सलाहकार समिति का पुनर्गठन करती है, जिसमें निम्नलिखित सदस्य होंगे, अर्थात्:—

- राज्य श्रम मंत्री बिहार, सरकार, —अध्यक्ष पटना।
- कल्याण आयुक्त, श्रम कल्याण —उपाध्यक्ष (पदेन) संगठन, डाकघर-शमरीतलैया, जिला—हुजारीबाग, करमा, बिहार।
- केन्द्रीय श्रमायुक्त (केन्द्रीय), —सदस्य धनबाद, बिहार।
- श्री राजेन्द्र नाथ दा, —सदस्य सदस्य, विधान सभा, कोबरमा, बिहार।
- श्री सवाने प्रसाद मजबानी, बिहार राज्य के अन्नक खान मालिकों प्रेजीडेंट, इंडिया, माइका माइन्स का प्रतिनिधित्व करने वाले सदस्य एण्ड झीलस एसोसिएशन, शमरीतलैया, हुजारीबाग।
- श्री उमेश चन्द्र अग्रवाल, सेक्रेटरी, तदैव कोबरमा माइका माइनिंग एसोसिएशन, हुजारीबाग।
- श्री हरीश चन्द्र मिश्रा, जनरल बिहार राज्य के अन्नक खान मालिकों सेक्रेटरी, माइका मजदूर यूनियन का प्रतिनिधित्व करने वाले सदस्य (इंटर), शमरीतलैया, हुजारीबाग।
- श्री भुवनेश्वर सिंह, प्रेजीडेंट, तदैव इन्वस्टीगल (माइका) वर्क्स एसोसिएशन कोबरमा, शमरीतलैया, हुजारीबाग।
- श्री मती उमिला बेओ, —महिला प्रतिनिधि भूतपूर्व सदस्य, विधान सभा, गिरौडीह, बिहार।
- कल्याण प्रशासक, करमा बिहार। —सचिव

2. उक्त नियमों के नियम 19 के अन्तर्गत केन्द्रीय सरकार उक्त सलाहकार समिति का मुख्यालय करमा, शमरीतलैया, जिला—हुजारीबाग बिहार निश्चित करती है।

[सं. यू. 19012/10/84-अस्यू-II]

आर. डी. मिश्र, प्रवर सचिव

New Delhi, the 16th August, 1985

S.O. 4081.—In exercise of the powers conferred by section 4 of the Mica Mines Labour Welfare Fund Act, 1946 (22 of 1946), read with rule 3 of the Mica Mines Labour Welfare Fund Rules, 1948, and in super session of the Notification of the Govt. of India in the Ministry of Labour S.O. No. 2198 dated 15th August, 1981 the Central Government hereby reconstitutes the Advisory Committee for the State of Bihar with the following members, namely:—

- State Labour Minister, Govt. of Bihar, Patna —Chairman

2. Welfare Commissioner, Labour Welfare Organisation, P.O. Jhumritelaiya. Distt. Hazaribagh Karma. Bihar. -- Vice-Chairman (Ex-officio)
3. Regional Labour Commissioner (Central), Dhanbad, Bihar. -- Member.
4. Shri Rajinder Nath Da, Member of Legislative Assembly, Kodarma, Bihar. -- Member.
5. Shri Sadanand Prasad Bhandani, -- Members representing President, India Mica Mines and Dealing Mica Mines Owners Association, Jhumritelaiya, Hazaribagh. State.
6. Shri Umesh Chander Aggarwal, -- do- Secretary, Kodarma Mica Mining Association, Hazaribagh.
7. Shri Harish Chander Mishra, -- Members representing General Secretary, Mica Mazdoor Union, (I.N.T.U.C.) Jhumritelaiya, Hazaribagh. State.
8. Shri Bhubaneswar Singh, President, -- do- Industrial (Mica) Workers, Association, Kodarma, Jhumritelaiya, Hazaribagh.
9. Smt. Urmila Devi, Ex-Member of -- Women Representative, Legislative Assembly, Giridih, Bihar.
10. Welfare Administrator, Karma, Bihar Secretary.

2. Under rule 19 of the said rule, the Central Government hereby fixes Karma, Jhumritelaiya, District Hazaribagh, Bihar to be the headquarter of the said Advisory Committee.

[No. U-10012/10/84-W. II]
R.D. MISHRA, Under Secy.

नई दिल्ली, 16 अगस्त, 1985

क्र. आ. 4082—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टाटा आइरन एण्ड स्टील लि. की सिजुआ कोलियरी के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2 धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-8-1985 को प्राप्त हुआ था।

New Delhi, the 16th August, 1985

S.O. 4082.—In pursuance of section 7 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sijua Colliery of Messrs Tata Iron & Steel Company Ltd., and their workmen, which was received by the Central Government on the 7th August, 1985.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri I. N. Sinha, Presiding Officer.

REFERENCE NO. 88 OF 1984

In the matter of Industrial Dispute under Section 10(1) (d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of Sijua Colliery of Messrs. Tata Iron and Steel Company Limited and their workmen.

APPEARANCES :

On behalf of the workmen—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

On behalf of the employers—Shri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRY : Coal

Dated, Dhanbad, the 31st July, 1985.

AWARD

The Government of India in the Ministry of Labour and Rehabilitation in exercise of the powers conferred on them under Section 10 (1) (d) of the I. D. Act., 1947 has referred the following dispute to this Tribunal for adjudication under Order No. L-20012(349)/84-D. III(A), dated the 13th December, 1984.

SCHEDULE

"Whether the demand of Bihar Colliery Kamgar Union that the dependant of Shri Mathura Muchi Haulage Engine Khalasi of Sijua Colliery of Messrs. Tata Iron and steel Company Limited, who claims to have been disabled permanently for service, should be given employment in the Colliery in terms of para 9.4.3 of the National Coal Wage Agreement-II, is justified? If so, to what relief the dependant of Shri Mathura Muchi is entitled?"

The case of the workmen is that the concerned workman Shri Mathura Muchi was appointed as permanent Haulage Engine Khalasi on 16-11-61 and since then he had rendered continuous service till 1-10-83 when his services were terminated by the management. The Medical Board of the Company had declared him unfit for the job permanently resulting in the loss of his employment. The services of the concerned workman was terminated in pursuance of the assessment of the Medical Board. The said disablement arose from the disease of permanent nature resulting into loss of employment and the same was certified by the Doctor of the Company. The services of the concerned workman were terminated without paying any retrenchment compensation. The concerned workman represented before the management for providing employment to his dependant son Shri Gouri Muchi but no employment was given to him. Thereafter the union of the concerned workman raised an industrial dispute before the AIC (C), Dhanbad but the conciliation proceeding ended in failure and thereafter the present reference was made. The action of the management in not providing employment to the dependant son of the concerned workman was against the provisions of NCWA-II and III. The demand of the workman for the employment of the dependant of the concerned workman is legal and justified. It is submitted that the management should be directed to provide employment to the dependant of the concerned workman from the date of the termination of his services with full back wages and consequential benefits.

The case of the management is that the Bihar Colliery Kamgar Union which has raised the present dispute does not exist in collieries of the management and it has no representative character of the workman. The management has comprehensive scheme for employment of the dependant of the employees and the same has been deputed in consultation with the recognised union namely R.C.M.S. The said scheme is in existence for several years under which the dependants of all categories of employees having put in

minimum of 15 years of service are entitled to be enrolled for employment and was taken in the employment depending upon the need and according to the seniority of the employees concerned. The scheme also includes the procedure for out right employment of certain cases as set forth in the scheme itself. After coming into force of NCWA-II the provisions for employment of dependant provided there in were considered by the recognised union (RCMS) of the management. It was observed that by implementing NCWA-II certain categories of workmen would get benefit of their dependant to be employed out right and certain other categories of employees will not get chance for their dependants to be employed. The dependants of the employees to be employed under NCWA-II would have blocked the future of the dependant of most of the employees of Company. It was not possible for the management to provide employment to the dependant of the employees under Company's scheme as well as under NCWA-II and III. Under the Company's scheme an employee completing 30 years or more service gets his dependant employed out right on his superannuation and an employee who complete 40 years of service gets his second dependant out right. The RCMS union was apposed of all the procedures of employment of dependants prevalent in the Company after coming into force of NCWA-II. The union found that the management's scheme for giving employment to the dependant of the employees were more favourable than the provision of NCWA-II and it accepted the management's scheme in preference to NCWA-II. The provisions of para 9.4.3 of NCWA-III is same as contained in para 10.4.1 of NCWA-II. The management is following its own scheme in preference in NCWA-II and NCWA-III as the management's scheme is more advantageous to the workman as a whole. The concerned workman Mathura Muchi became medically unfit to continue further in his original job and as such the management had no alternative but to terminate his services on 1-10-83 on account of his continued ill health and incapacity to perform his original job. Mathura Muchi had put in 21 year of service and his dependant's name was enrolled for employment as per the scheme of the management. The said dependant of Mathura Muchi can be employed when his term will come. The dependant of the concerned workman is not entitled out right employment according to the management's scheme as well as under NCWA-III.

The point to be considered in this case is whether the dependant son of Shri Mathura Muchi is entitled to be employed by the management in terms of para 9.4.3 of NCWA-III.

The workman examined one witness namely Shri Mathura Muchi who is the concerned workman himself and the management examined four witnesses. Besides that the workman has exhibited one document which is marked as Ext. W-1 and the management have exhibited documents which are marked Ext. M-1 to M-14.

Admittedly, the services of the concerned workman Shri Mathura Muchi was terminated by the management after he had put in about 21 years of service on the ground of medical unfitness. Workmen are claiming employment of the dependant son of the said concerned workman under para 9.4.3 of NCWA-III. Para 9.4.3 of NCWA-III provides for employment to one dependant of a worker who is permanently disabled in his place arising from injury or disease of permanent nature resulting to loss of employment and it should be certified by the Coal Company concerned. The case of the management is that there was already a scheme for giving employment to the dependant of the employees since before the NCWA-II and NCWA-III which was more beneficial to the workmen than the benefits which were allowed in NCWA-II and NCWA-III and that the representative union of the workmen had preferred to be governed by the Company's scheme of giving employment to the dependant of the workman and did not accept the scheme provided under NCWA-II and III. It is also stated by the management that in accordance with the scheme of the management applicable in the case of the concerned workman, the name of his dependant Gouri Muchi was enrolled in the register of the management for giving employment.

It will appear from Ext. M-1 that Mathura Muchi by his petition dated 19-8-83 had requested the management to provide him with alternative job at the surface so that he may be able to earn his bread. WW-1 has stated that inspite of the said petition he was not given any work on the surface and thereafter he claimed employment of his son from the date of his stoppage of work. Ext. M-2 dated 13-2-84 is a letter by the Chief Personnel Manager to the concerned workman. This letter was sent by the Chief Personnel Manager to Mathura Muchi with reference to the application of the workman dated 30-12-83 requesting for employment of his son on the strength of his service. The management has stated that the concerned workman was discharged from the Company's service on medical ground after putting in 21 years 10 months of service and as such the name of his son Shri Gouri Muchi has already been enrolled in E.D. Register maintained at Sijua Colliery and that his son will have to await his turn along with other in order of seniority till such time job becomes available at Sijua Colliery. It appears that the name of the son of the concerned workman was registered for employment under para 2.1 of management's scheme for employment of dependants of the employees of the Company. The scheme is marked Ext. M-8 in this case. Para 2.1 provides that an employee becomes eligible to enroll the name of his dependant on completion of 15 years of service. There is no provision in the said scheme for giving out right employment to the dependant employee who is medically retired before putting in 25 years of service. Thus it appears that the management has complied the provisions of its scheme in para 2.1 of Ext. M-8 in registering the name of the dependant son of Mathura Muchi.

The question is whether the concerned workman can avail of the advantages provided in para 9.4.3 of NCWA-III for giving out right employment to his dependant son. Ext. M-5 is a minutes of union management meeting with the Vice Chairman on 27-3-80 which was sent vide Ext. M-6 to the Joint General Secretary, RCMS by the General Manager of Collieries of management. On perusal of Ext. M-5 it will appear that there was a discussion regarding the implementation of the benefit under NCWA-II with regard to the employment to the dependant and medical facilities. The Vice Chairman of the management told the representative with regard to the employment of dependants that it was upto the union to choose whether they wanted the present benefits given by the Company or the provisions of NCWA-II. He further advised the union to keep in mind the fact that certain provisions of NCWA-II would give the benefit of employment to the person who have only put in a few years of service which in effect will deprive old and quite senior employees to get employment as the vacancies which occurred will be filled in by those who have already been taken in. The Vice Chairman further stated that certain procedures and practices for employment had been evolved to give benefit of the same to the old senior employees in consultation with the union and now if the union wanted to opt for the provision of NCWA-II in this regard they were free to do so. Mr. S. Dasgupta on behalf of the union informed that the union representative would discuss the issue among themselves and communicate their proposal to the management. Thereafter Shri S. Dasgupta Joint General Secretary of R.C.M.S sent his letter Ext-M-9 dated 7-2-81 to General Manager (Collieries) Tisco regarding the implementation of NCWA-II. It will appear from this letter that the provision of clause 10.4.1 of NCWA-II regarding employment to their dependants in the case of death or disablement due to accident has been implemented in full by the management. It further shows that in a meeting of the Secretaries of all the branches of Tisco collieries of RCMS decided unanimously that the existing employment rules of the Company were more favourable and to continue to be enforced. It appears therefore that the representative union decided to opt for the Company's scheme in preference to para 10.4.1 of NCWA-II which provisions has been carried in para 9.4.3 of NCWA-III. Ext. M-7 is the minutes of the special union management meeting held on 18-3-81. In para 10 it is stated that the union was informed that Mr. Dasgupta has already indicated in writing that existing procedure of the Company were more beneficial than the provision laid down

in NCWA-II and hence he wanted that the existing procedure of the Company should continue to be enforced. Ext. M-4 dated 11-4-81 is a minutes of the union management meeting at the Dy. Managing Directors level. It will show that since the union had agreed that the Company's procedure are more beneficial to employees in respect of employment of the dependants, it will not be advisable to remove the qualifying period. It is clear, therefore that the representative union of the management had agreed that the Company's scheme regarding employment will continue and that they did not agree to the acceptance of para 10.4.1 of NCWA-II equivalent to para 9.4.3 of NCWA-III.

It has been submitted on behalf of the workman that the Bihar Colliery Kamgar Union which has raised the present industrial dispute was not a party to the acceptance of the Company's scheme in preference to NCWA-III and as such the agreement cannot bind the workman of Bihar Colliery Kamgar Union. In my opinion the said view does not appear to be correct. The said agreement arrived at between the representative union of the management would not be invalid despite the lack of consent of the workmen who are members of an union other than the recognised union. The agreement has been arrived at by the representative union which has the right to represent all the workmen and would also imply the consent of the members of the other union. This is the legal consequence of the right of the representative union to represent all the workmen and binding effect on its action. As such the agreement arrived at by the representative union RCMS is binding on the workmen who are representing the concerned workman.

I have not referred to the individual oral evidence of the witnesses as this case has to be decided on the document available on the record and on consideration of the documents it is clear that the workmen of the Colliery of the management have agreed to accept the scheme of the management in preference to the scheme in NCWA-III in respect of the matter in issue.

In view of the discussions made above I hold that the demand of Bihar Colliery Kamgar Union that the dependant of Shri Mathura Muchi who claims to have been disabled permanently for surface should be given employment in the colliery in terms of para 9.4.3 of NCWA-III is not justified and as such the concerned workman is not entitled to any relief.

This is my Award.

I. N. SINHA, Presiding Officer

[No. L-20012(349)/84-D.III(A)]

A. V. S. SARMA, Desk Officer

नई दिल्ली, 16 अगस्त, 1985

का. अ. 4083.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, ईस्ट भुगतदिह वर्कशॉप, कुस्तोर क्षेत्र मेस बी सी सी एल हाक कुस्तोर, जिला धनबाद के प्रबंधन के सम्बन्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-8-85 को प्राप्त हुआ था।

New Delhi, the 16th August, 1985

S.O. 4083.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Post Office Jagjiwan Nagar, Dhanbad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of East Bhugatdih Workshop, Kustore Area of M/s. Bharat Coking Coal Limited, and their workmen, which was received by the Central Government on the 6th August, 1985.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.

PRESENT :

Shri I. N. Sinha, Presiding Officer.

Reference No. 25 of 1984

In the matter of Industrial Disputes under Section 10(1)(d) of the I.D. Act. 1947

PARTIES :

Employers in relation to the management of East Bhugatdih Workshop, Kustore Area of M/s. Bharat Coking Coal Limited, P.O. Kustore Dist Dhanbad and their workmen.

APPEARANCES :

On behalf of the workmen: Shri Lalit Burman, Vice-President, United Coal Workers' Union.

On behalf of the employers: Shri G. Prasad, Advocate.

STATE: Bihar.

INDUSTRY: Workshop.

Dated, Dhanbad, the 31st July, 1985

AWARD

The Government of India in the Ministry of Labour and Rehabilitation in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication under Order No. L-24012(3)/84-D.IV(B) dated, the 30th June, 1984 :

SCHEDULE

"Whether the action of the management of East Bhugatdih Workshop, Kustore Area, M/s. BCCL, PO Kustore Dhanbad in changing the staggered rest days of the workman mentioned in the Annexure below to Sunday with effect from 11-9-83 without giving notice under Section 9A of the I.D. Act is justified? If not, to what relief are the said workman entitled?"

ANNEXURE

Sl. No.	Name	Designation
1.	Shri Jadu Prasad	Welder
2.	Shri Budhu Yadav	Welder Mazdoor
3.	Shri Doman Gope	Black Smith
4.	Shri Kesho Raw ni	Drill Man
5.	Shri Jainul Mia	Machinist.
6.	Shri Ushman Mian	Lathe Man.
7.	Shri Naresh Bhagat	Electrician.
8.	Shri Bindeshwar Choudhry	Armature Winder.
9.	Shri Lal Shahab Singh	Armature Winder Helper
10.	Shri Dharmbir Singh	Filter.
11.	Shri Nand Kishore Rabidash	Hammer Man.
12.	Shri Jhallar Jaishwara	Tyndal.
13.	Shri Mohan Mistry	Black Smith.
14.	Shri Haru Dusadh	Fitter.
15.	Shri Ram Keshwar Ram	Fitter.
16.	Shri Faij Ahmad	Fitter.
17.	Shri Ramau Mahato	Genl. Mazdoor.
18.	Shri Ramdeo Lohar	Hammer Man.
19.	Mooti Rabidash	Tyndal.
20.	Rawan Bouri	Tyndal.
21.	Shri Bindeshwar Rabikul	Tyndal.
22.	Shri S.K. Mukherjee	Foreman.
23.	Shri R. Jendran Ram	Machinist Helper.
24.	Shri Jogendra Singh	Tyndal Jamadar.

The case of the workman is that the concerned 24 workmen are employed in the East Bhugatdih Workshop of East Bhugatdih Colliery since the time of the erstwhile management. They were working on Sundays every week since before the take over and nationalisation in 1972 and were enjoying weekly day of rest on different days of the week as shown in annexure I attached to their W.S. They were getting the benefit of extra wages for working on Sundays i.e. 7 days wages for six days work in a week. The said practice which was in vogue for 12 years became one of the condition of service of the concerned workman. Without giving any

notice the management changed the aforesaid practice and changed the system of staggered weekly rest days in respect of the concerned workman to Sunday with effect from 11-9-83 and stopped payment of the extra wages to the workmen. The management did not issue any notice under Section 9A of the I.D. Act nor discussed the change with the union before effecting the change in the weekly rest days. The said change was arbitrary and adversely affected the concerned workmen. The workmen protested against the action of the management but complied with the illegal order of the management under protest. The action of the management is wrong and illegal. The concerned workmen are entitled to get the benefit of 7 days wages for 6 days work which they have been getting prior to the change.

The case of the management is that all the concerned workmen were not appointed on the same date, but they were appointed on different dates. They had neither been allowed nor were observing or availing the staggered weekly day of rest. The staggering day of rest is observed in a factory or in a mine where manufacturing process or raising of mineral is carried out around the clock on all the days of the year such as work in blast furnace, coal blasting furnace, Coke Oven plant etc. wherein all the workmen cannot be allowed to have weekly day of rest on one and the same day. No such work is carried out in the colliery workshop which is a part and parcel of the mine and the concerned workmen have never been allowed staggering day of rest. It is a common practice in all the coal mines including Bhuggatdih Colliery to allow weekly days of rest on Sundays. In the recent past the coal mines were kept open on Sundays as well and the workmen were allowed rest as per law. The workshop is situated within the premises and precinct of East Bhuggatdih Colliery and all its workmen are being allowed weekly days of rest on Sundays. The management has not changed the staggered day of rest to Sunday. It is not a condition of service of any person employed in a colliery workshop that they shall be allowed weekly of rest on staggered day. The weekly day of rest is not covered by any of the items enumerated in the 4th schedule of the I.D. Act and as such Section 9A of the I.D. Act is not applicable. It is advantageous to the concerned workmen to have weekly day of rest on Sundays so that they may do their marking and other business on Sundays. Whenever the workmen were called to work in the workshop on Sunday they were given weekly day of rest on the remaining 6 other days of the week and it did not become a condition of their employment. Section 9A of the I.D. Act is attracted if the proposal to effect a change is likely to adversely affect the condition of service of the workmen and no notice is required if it does not affect a workman. The demand of the workmen for weekly day of rest for staggered day is not justified.

The only question for determination in this case is whether the changing of staggered rest days of the concerned workmen to Sunday with effect from 11-9-83 without giving notice under Section 9A of the I.D. Act is justified.

The management examined one witness but he was not cross-examined on behalf of the workmen.

The workmen have alleged that the management of East Bhuggatdih workshop changed the conditions of their services with effect from 11-9-83 without giving notice under Section 9A of the I.D. Act in as much as the staggered rest of holiday being enjoyed by them was changed to Sunday in respect of all the concerned workmen. It is further stated that the management changed the service condition by changing the staggered rest days to Sunday and they were paid wages for 6 days only. It will appear from the schedule of the order of reference that the concerned workmen were getting staggered rest days and that the same was changed to Sunday with effect from 11-9-83 and as such the only question to be decided is whether the said change could be effected without giving notice under Section 9A of the I.D. Act. A dispute of this nature was decided in a case reported in SCLJ Vol. 9 page 124 (M/s. Tisco. Ltd. Vrs. Their workmen.). The said decision gives answer to both the objections raised on behalf of the management. In the said case the management had decided to stagger the weekly rest days in the collieries and by notice a new schedule of rest days was introduced in accordance with which the colliery was to give every Wednesday as rest day in one of the collieries and Thursday in respect of other colliery. Previously Sunday

was the weekly rest days in collieries. The change in the weekly days of rest was to take effect from Sunday September 15, 1963. The workers of the colliery did not turn up for work on Sunday September, 15 as a result the management refused to give them any work on Wednesday which was declared to be a weekly day of rest. It was held by their Lordships that if a holiday is changed from Sunday to some other week day it would not affect material gain or financial benefit available to the workmen because the workmen would none the less get one day off with pay in a week but the financial benefit cannot be the sole criterion in considering this question and it must not be ignored in this connection that due to long usage and other factors Sunday as a holiday may for conceivable reasons have assumed importance for workmen. Their Lordships further held that in order to effectively achieve the object underlying Section 9A of the I.D. Act it would be more appropriate to place on the 4th schedule read with Section 9A a construction liberal enough to include change of weekly rest days from Sunday to some other week day. Their Lordships held that the management having effected a change in the weekly days of rest without complying with the Section 9A of the I.D. Act read with 4th schedule this change must be held to be ineffective and the previous schedule of weekly days of rest must be held to be still operative. The facts in the present case are almost similar except that in the reported case the weekly rest was changed from Sundays to other week days whereas in the present case weekly day of rest from some other days of the week were changed to Sunday. But the principle underlined both the decision is the same. The concerned workmen no doubt will not be economically affected by the change in the weekly day of rest from any other day of the week to Sunday. It appears that due to long usage the staggering holidays which were being enjoyed by the concerned workmen had assumed importance for them and as such it was appropriate that the management should have given notice under Section 9A of the I.D. Act read with 4th schedule to the concerned workmen before changing their weekly days of rest. The concerned workmen however, have accepted Sunday as a weekly day of rest under protest and I think the change of the weekly day of rest of the concerned workmen from different days of the week to Sunday must be held to be ineffective as the said change has been effected without complying with Section 9A of the I.D. Act and the previous schedule of weekly days of rest on the different days to the concerned workmen as stated in the annexure to their W.S. must be held to be still operative.

In view of the discussions made above I hold that the action of the management of East Bhuggatdih Workshop Kustore Area of M/s. B.C.C. Ltd. in changing the staggered rest days of the concerned workmen to Sunday with effect from 11-9-83 without giving notice Section 9A of the I.D. Act is not justified. As no financial question is involved, the concerned workmen are not entitled to any other relief except that they will have the staggered rest days as mentioned in the annexure of the W.S. of the concerned workmen.

This is my Award.

I.N. SINHA, Presiding Officer
[No. L-24012 (3)]84-D. IV (B)]

नई दिल्ली, 19 अगस्त, 1985

का. आ. 4084:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व सेंट्रल माइन प्लानिंग एंड रिजर्वेशन इन्स्टीट्यूट लि., गोंडवाना प्लेस, कांके रोड, रांची उक्त अधिनियम की धारा 33 क के अन्तर्गत श्री के. के. मुखर्जी द्वारा दायर की गई शिकायत पर अनुबंध में यथा निविष्ट केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, धनबाद के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-8-1985 प्राप्त हुआ था।

New Delhi, the 19th August, 1985

S.O. 4084.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad, as shown in the Annexure in respect of a complaint under Section 33A of the said Act,

filed by Shri K.K. Mukherjee, Chief Draftsman (S & C), Regional Institute No. 3, C.M.P.D.I. Limited, Darbhanga House, Ranchi against the Management of Central Mine Planning & Design Institute Limited, Gondwana Place, Kanke Road, Ranchi and three others which was received by the Central Government on 9-8-1985.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.

PRESENT:

Shri I. N. Sinha, Presiding Officer.

Complaint No. 2 of 1983

In the matter of complaint under Section 33A of the

I.D. Act, 1947

(Arising out of Reference No. 8 of 1983)

PARTIES:

Shri K. K. Mukherjee,
Chief Draftsman (S&C),
Regional Institute No. 3,
C.M.P.D.I. Ltd., Darbhanga
House, Ranchi

—Complainant.

Vrs

1. Management of Central
Mine Planning and Design
Institute Ltd., Gondwana
Place, Kanke Road, Ranchi.
2. Shri R. G. Mahendra Chairman/
Managing Director, C.M.P.D.I.
Ltd., Gondwana Place, Ranchi
3. Shri N. R. Mitra, Director
(Technical) C.M.P.D.I. Ltd.,
Gondwana Place,
Kanke Road, Ranchi.
4. Dr. R. N. Singh, Regional
Director (HQ),
C.M.P.D.I. Ltd., Gondwana Place,
Kanke Road, Ranchi.

—Opp. Parties.

APPEARANCES:

For the complainant: None.

On behalf of the Opp. Parties: Shri B. N. Akhury,
Personnel Manager.

STATE: Bihar.

INDUSTRY: Mine Planning.

(Dated, Dhanbad, the 31st July, 1985)

AWARD

This is a complaint under Section 33A of the I.D. Act 1947 filed by one Shri K.K. Mukherjee, praying that the Opp. Party have been guilty of contravention of provision of Section 33 of the I.D. Act, 1947 and to promote him as Drawing Officer with effect from 1-7-1977 with all consequential monetary and allied benefits.

The case of the complainant is that during the pendency of Reference No. 8 of 1983 pending before this Tribunal the Opp. Party in contravention of Section 33 of the I. D. Act issued officer order dated 31-3-83 promoting S/Shri G. Remould and DN Banerjee, Chief Draftsman (S & C) to the post of Drawing Officer with effect from 1-7-1977 altering to the prejudice and detriment to the petitioner the condition of service of the complainant. Annexure I to the complaint cement of the reference. The complainant is a workman directly concerned with Reference No. 8 of 1983. The Opp. party filed the W.S. contesting the claim of the complainant stating that they have not contravened any of the conditions of service of the complainant Annexure I to the complaint petition neither deals with any condition of service of the complainant nor does it represent the alteration of the so called condition of service of the complainant to his prejudice. The complaint is not a workman in Reference No. 8 of 1983.

The only point for consideration is whether the Opp. Party has altered to the prejudice of the complainant in such dispute the condition of service applicable to him immediately before the commencement of the reference.

In order to give jurisdiction to the Industrial Tribunal to entertain a complaint under Section 33A read with Section 33(1) (a) it has to be shown in such a case that the matter which was brought before it on complaint by the concerned workman was connected with the dispute which was pending before the Tribunal in Reference No. 8 of 1983. It will appear from annexure I that Shri D. N. Banerjee and G. Remould were promoted to the post of Drawing Officer with effect from 1-7-77. On reference to para 2 of the complaint petition it will appear that neither of the items mentioned in item No. 4, 5 and 7 of Ref. No. 8 of 1983 is in relation to G. Remould and DN Banerjee or in respect of the complainant. The complainant, therefore, has not been able to show in his complaint as to how the Opp. Party has altered the condition of service applicable to the concerned workman and that the said condition of service is a matter connected with a dispute in Reference No. 8 of 1983. In my opinion the case of the complainant is not covered under Section 33 of the I.D. Act, 1947. Even if any inference alteration is drawn from Annexure I of the complaint petition the said alteration cannot be regarded to be any matter connected with the dispute in Reference No. 8 of 1983 and as such the Opp. Party were entitled to alter the condition of service under Clause 2 (a) of Section 33 of the I.D. Act.

The complainant inspite of several adjournment did not appear in this case and as such the Opp. Party was heard ex parte in the absence of the complainant.

In view of the above I hold that the complaint is not maintainable under Section 33 A of the I.D. Act in as much as none of the provisions of Section 33 has been violated by the Opp. Party. Accordingly the complainant is entitled to no relief.

This is my Award.

I.N. SINHA, Presiding Officer
[No. L-19014 (1)/85-D. IV (B)]
R.K. GUPTA, Desk Officer

नई दिल्ली, 19 अगस्त, 1985

का.आ. 4085:—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (6) के उप-बंधों के अनुसरण में भारत सरकार के श्रम और पुनर्वसन मंत्रालय श्रम विभाग की अधिसूचना संख्या का. आ. 708 दिनांक 5 फरवरी, 1985 द्वारा इंडिया गवर्नमेंट मिंट बम्बई को उक्त अधिनियम के प्रयोजनों के लिए 24 फरवरी, 1985 से छः मास की कालावधि के लिए उपयोगी सेवा घोषित किया था।

और केन्द्रीय सरकार को यह राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (6) के परन्तुक द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 24 अगस्त, 1985 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करत है।

[का. सं. एम-11017/3/85-डी-1 (ए)]

New Delhi, the 19th August, 1985

S.O. 4085.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O. No. 708 dated the 5th February, 1985 the India Government Mint, Bombay to be a public utility service for the purposes of the said Act, for a period of six months, from the 24th February, 1985;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 24th August, 1985.

[No. S-11017/3/85-D.I(A)]

शुद्धि-पत्र

का. आ. 4086:—भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) में तारीख 23 मार्च, 1985 को प्रकाशित भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 1282, तारीख 14 मार्च, 1985 में पैरा 1 की तक्ति 8 में "1985" के लिए "1984" पढ़ा जाये।

[सं. एस-11017/4/81-डी-1(ए)]

CORRIGENDUM

S.O. 4086.—In the notification of the Government of India in the Ministry of Labour S.O. No. 1282, dated the 14th March, 1985, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 23rd March, 1985, in line 9 para 1 for "1985" read "1984".

[No. S-11017/4/81-D.I(A)(i)]

का०आ० 4087—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित है कि औद्योगिक विवाद अधिनियम, 1976 की धारा 3 के अधीन स्थापित क्षेत्रीय ग्रामीण बैंक अधिनियम, 1976 की धारा 3 के अधीन स्थापित क्षेत्रीय ग्रामीण बैंक द्वारा चलाए जा रहे बैंकिंग उद्योग को, जो औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की मद 2 के अंतर्गत आता है, उक्त अधिनियम के प्रयोजनों के लिये लोक उपयोगी सेवा घोषित किया जाना चाहिये।

अतः औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (क) के उप-खण्ड (6) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिये छः मास की कालावधि के लिये तत्काल प्रभाव से लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/2/85-डी-1(ए)]

S.O. 4087.—Whereas the Central Government is satisfied that the public interest requires that the Banking Industry as carried on by a regional rural bank established under Section 3 of the Regional Rural Banks Act, 1976, which is

covered by item 2 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/2/85-D.I(A)]

का०आ० 4088—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (क) के उपखण्ड (6) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिये 23 फरवरी, 1985 से छः मास की कालावधि के लिये लोक उपयोगी सेवा घोषित किया था।

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिये बढ़ाया जाना अपेक्षित है।

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (क) के उपखण्ड (6) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिये 23, अगस्त, 1985 से छः मास की और कालावधि के लिये लोक उपयोगी सेवा घोषित करती है।

[का०सं० एस-11017/4/85-डी-1(ए)]

श.हं.सु० अय्यर, अवर सचिव

S.O. 4088.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O. No. 707 dated the 5th February, 1985 the Phosphate Mining Industry to be a public utility service for the purposes of the said Act, for a period of six months, from the 23rd February, 1985;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 23rd August, 1985.

[No. S-11017/4/85-D.I(A)]

S.H.S. IYER, Under Secy.

